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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE FOURTEENTH AND FIFTEENTH SESSIONS

(30 April-17 May 1996, 18 November-6 December 1996)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1997

SUPPLEMENT No. 2

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1997/22
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ABBREVIATIONS

AIDS	Acquired immune deficiency syndrome
HIV	Human immunodeficiency virus
ILO	International Labour Organization
OAS	Organization of American States
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
World Bank	International Bank for Reconstruction and Development

Chapter I

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 6 December 1996, the closing date of the fifteenth session of the Committee on Economic, Social and Cultural Rights, 135 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. 1/ The Economic and Social Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation. Accordingly, in 1996, the Committee held its fourteenth session from 30 April to 17 May and its fifteenth session from 18 November to 6 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its fourteenth and fifteenth sessions is contained in the relevant summary records (E/C.12/1996/SR.1-26 and E/C.12/1996/SR.27-55/Add.1, respectively).

C. Membership and attendance

4. All members of the Committee attended the fourteenth session. Mr. Kenneth Osborne Rattray, Mr. Bruno Simma and Mr. Philippe Texier attended only part of the session. All members of the Committee, except Ms. Margerita Vysokajova, attended the fifteenth session. Mr. Kenneth Osborne Rattray and Mr. Bruno Simma attended only part of the session.

5. The following specialized agencies and United Nations organs were represented by observers at the fourteenth session: ILO, UNESCO, WHO, UNHCR and UNDP; and at the fifteenth session: ILO, WHO and the Division for the Advancement of Women of the United Nations Department for Policy Coordination and Sustainable Development.

1/ See E/1996/22, chap. I, draft resolution (Annual sessions of the Committee on Economic, Social and Cultural Rights).

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the fourteenth session:

Category I:	International Confederation of Free Trade Unions, World Federation of United Nations Associations
Category II:	American Association of Jurists, Commission for the Defense of Human Rights in Central America, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights, International Organization for the Development of Freedom of Education, International Service for Human Rights, OXFAM
Roster:	American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

and at the fifteenth session:

Category I:	International Confederation of Free Trade Unions, World Federation of United Nations Associations
Category II:	American Association of Jurists, Andean Commission of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, Women's International League for Peace and Freedom
Roster:	American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

D. Pre-sessional working group

7. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairman to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

8. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the fourteenth session:

Mr. Ade ADEKUOYE

Ms. Chikako TAYA

Ms. María de los Angeles JIMENEZ BUTRAGUEÑO

Mr. Juan ALVAREZ VITA

Mr. Valeri KOUZNETSOV

Prior to the fifteenth session:

Mr. Mahmoud Samir AHMED

Mr. Juan ALVAREZ VITA

Ms. Virginia BONOAN-DANDAN

Mr. Dumitru CEAUSU

Ms. María de los Angeles JIMENEZ BUTRAGUEÑO.

9. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 11 to 15 December 1995 and from 20 to 24 May 1996, respectively. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Officers of the Committee

10. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

Chairperson:	Mr. Philip ALSTON
Vice-Chairpersons:	Mr. Juan ALVAREZ VITA
	Mr. Abdessatar GRISSA
	Mr. Dumitru CEAUSU
Rapporteur:	Ms. Virginia BONOAN-DANDAN

F. Organization of work

Fourteenth session

11. The Committee considered its organization of work at its 6th meeting on 2 May, 8th meeting on 3 May, 9th and 10th meetings on 6 May, 15th meeting on 9 May, 17th meeting on 10 May, 19th meeting on 13 May, 22nd meeting on 14 May, 24th meeting on 15 May and 25th meeting on 17 May 1996. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the fourteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1996/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), and twelfth and thirteenth sessions (E/1996/22).

12. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting on 30 April 1996, considered the draft programme of work for its fourteenth session and approved it, as amended during consideration (see E/C.12/1996/L.1/Rev.1).

Fifteenth session

13. The Committee considered its organization of work at its 27th meeting on 18 November, 30th meeting on 19 November, 54th meeting on 5 December and 55th meeting on 6 December 1996. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the fifteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1996/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), and twelfth and thirteenth sessions (E/1996/22).

14. In accordance with rule 8 of its rules of procedure, the Committee, at its 27th meeting on 18 November 1996, considered the draft programme of work for its fifteenth session and approved it, as amended during consideration (see E/C.12/1996/L.2/Rev.1).

G. Next session

15. In accordance with the established schedule, the sixteenth and seventeenth sessions would take place from 28 April to 16 May 1997 and from 17 November to 5 December 1997, respectively.

H. States parties' reports scheduled for consideration by the Committee at its sixteenth session

16. The Committee, at its 54th meeting on 5 December 1996, decided that the following States parties' reports would be considered at its sixteenth session:

Initial reports concerning articles 1 to 15 of the Covenant

Libyan Arab Jamahiriya	E/1990/5/Add.26
Guyana	E/1990/5/Add.27
Zimbabwe	E/1990/5/Add.28
Peru	E/1990/5/Add.29

Third periodic reports concerning articles 1 to 15 of the Covenant

Russian Federation E/1994/104/Add.8

17. The Committee also decided that it would review the implementation of the provisions of the Covenant in the Central African Republic, which had not submitted any report at all since its ratification of the Covenant, on the basis of any information that might be available to the Committee.

I. Composition of the pre-sessional working group

Sixteenth session

18. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. A. Grissa, Ms. M. Jiménez Butragueño, Mr. V. Kouznetsov, Mr. N. Thapalia and Mr. Wimer Zambrano.

Seventeenth session

19. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. A. Adekuoye, Ms. V. Bonoan-Dandan, Ms. M. Jiménez Butragueño, Mr. V. Kouznetsov and Mr. K. O. Rattray.

Chapter II

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

20. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

21. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 15 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

22. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines 2/ with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. These guidelines will be revised in the course of the Committee's next session(s) in order to reflect more fully the issues dealt with by the major world conferences held in recent years.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

23. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution.

24. The principal purpose of the working group is to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. The aim is to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of many of the principal issues which will arise in the examination of the reports. 3/

25. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the

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2/ E/1991/23, annex IV.

3/ See E/1988/14, para. 361.

Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

26. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

27. In preparation for the pre-sessional working group, the Committee has asked the Secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee has invited all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the Secretariat. It has also asked the Secretariat to ensure that certain types of information are regularly placed in the relevant files.

28. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; (d) not be abusive. The relevant meeting is open and provided with interpretation services, but is not covered by summary records.

29. The Committee has requested the Secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned.

30. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask.

However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

31. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

32. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure is generally followed. The representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. During this period, representatives of relevant specialized agencies and other international bodies are also able to contribute to the dialogue. The representatives of the State party are invited to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting. Members of the Committee are free to pursue specific issues in the light of the replies thus provided. Questions which cannot adequately be dealt with in this manner may be the subject of additional information provided to the Committee in writing.

33. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period, in closed session, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

34. The concluding observations are formally adopted in public session on the final day of the session. As soon as this occurs they are considered to

have been made public and are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

35. In general, the Committee devotes three meetings (of three hours each) to its public examination of each global report (dealing with arts. 1-15). In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the presentation of reports

36. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

37. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report, which would normally be due in five years' time;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time-limit (perhaps two to three months). In such a case, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

38. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may, as has already been done in connection with two States parties, request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the United Nations High Commissioner for Human Rights/Centre for Human Rights could be of assistance in connection with the specific issue at hand.

39. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

40. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

41. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

42. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue.

At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

43. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session, but not longer.

E. Day of general discussion

44. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); and a draft optional protocol to the Covenant (thirteenth, fourteenth and fifteenth sessions).

F. Other consultations

45. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

46. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

47. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

48. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

49. By the end of its fifteenth session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 34 global reports. This work covered a significant number of the States parties to the Covenant, which totalled 135 at the end of the fifteenth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far had illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

50. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

51. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations; General Comment No. 4 (1991) on the right to adequate housing; General Comment No. 5 (1994) on the rights of persons with disabilities; and General Comment No. 6 (1995) on the economic, social and cultural rights of older persons.

Chapter III

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

52. In accordance with rule 58 of its rules of procedure, the Committee, at its 54th meeting on 5 December 1996, considered the status of submission of reports under articles 16 and 17 of the Covenant.

53. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 August 1996 (E/C.12/1996/4);

(c) Note by the Secretary-General on follow-up to the consideration of reports under article 16 of the Covenant (E/C.12/1996/5).

54. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its fifteenth session (see para. 60 below), he had received, as at 5 December 1996, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial reports of the Libyan Arab Jamahiriya (E/1990/5/Add.26), Guyana (E/1990/5/Add.27) and Zimbabwe (E/1990/5/Add.28); third periodic report of the Russian Federation (E/1994/104/Add.8); initial report of Peru (E/1990/5/Add.29); second periodic report of Luxembourg (E/1990/6/Add.9); third periodic report of Iraq (E/1994/104/Add.9); initial reports of Azerbaijan (E/1990/5/Add.30) and Nigeria (E/1990/5/Add.31); third periodic report of the United Kingdom of Great Britain and Northern Ireland (E/1994/104/Add.11); initial report of Sri Lanka (E/1990/5/Add.32); second periodic report of Uruguay (E/1990/6/Add.10); third periodic reports of Cyprus (E/1994/104/Add.12) and Poland (E/1994/104/Add.13); second periodic reports of the Netherlands (E/1990/6/Add.11), Netherlands Antilles (E/1990/6/Add.12) and Netherlands (Aruba) (E/1990/6/Add.13); initial report of Switzerland (E/1990/5/Add.33); third periodic report of Germany (E/1994/104/Add.14); second periodic report of Tunisia (E/1990/6/Add.14); third periodic reports of Denmark (E/1994/104/Add.15) and Bulgaria (E/1994/104/Add.16); initial report of Ireland (E/1990/5/Add.34); and second periodic report of Iceland (E/1990/6/Add.15).

55. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee made a number of recommendations to the Economic and Social Council which are included in chapter VI of the present report.

Chapter IV

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Fourteenth session

56. At its fourteenth session, the Committee examined four reports submitted by four States parties under articles 16 and 17 of the Covenant and reviewed the implementation of the provisions of the Covenant in Guinea in accordance with the decision taken at its ninth session. 4/ It devoted 21 of the 26 meetings it held during the fourteenth session to the consideration of these matters (E/C.12/1996/SR.1-7, 11-18, 20-22 and 24-26).

57. The reports before the Committee at its fourteenth session were the following:

Initial reports concerning articles 1 to 15 of the Covenant

Paraguay	E/1990/5/Add.23
Guatemala	E/1990/5/Add.24
El Salvador	E/1990/5/Add.25

Third periodic reports concerning articles 1 to 15 of the Covenant

Spain	E/1994/104/Add.5

58. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

Fifteenth session

59. At its fifteenth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant. It devoted 21 of the 29 meetings it held during the fifteenth session to the consideration of these reports (E/C.12/1996/SR.29-42, 44 and 50-55).

60. The following reports were before the Committee at its fifteenth session:

Second periodic reports concerning articles 1 to 15 of the Covenant

Dominican Republic	E/1990/6/Add.7
Portugal (Macau)	E/1990/6/Add.8

4/ See E/1994/23, para. 19.

Third periodic reports concerning articles 1 to 15 of the Covenant

Belarus	E/1994/104/Add.6
Finland	E/1994/104/Add.7
United Kingdom of Great Britain and Northern Ireland (Hong Kong)	E/1994/104/Add.10

61. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee, except the Dominican Republic, sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex VIII to the present report.

62. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its fourteenth and fifteenth sessions.

Fourteenth session

PARAGUAY

63. The Committee considered the initial report of Paraguay on articles 1 to 15 of the Covenant (E/1990/5/Add.23) at its 1st, 2nd and 4th meetings on 30 April and 1 May 1996 and, at its 22nd meeting on 14 May 1996, adopted the following concluding observations.

A. Introduction

64. The Committee expresses its satisfaction to the State party for its detailed and frank initial report and for the substantial additional information supplied by the delegation verbally, as well as for the constructive dialogue maintained between the delegation and Committee members. However, the Committee regrets the lack of clear statistics and the State party's failure to provide written replies in due time to the list of issues submitted to it, as well as the delegation's inability to provide satisfactory answers on many of those issues. The Committee notes that replies to some of the questions raised during the dialogue established with the State party were received subsequently.

B. Positive aspects

65. The Committee notes with great satisfacti n that the State party is undergoing a process of peaceful democratization, which has begun to have a notable impact on the enjoyment of human rights. The ratification of the two International Covenants on Human Rights in 1992 and the adoption of the new Constitution guaranteeing many of the rights embodied in the International Convenant on Economic, Social and Cultur l Rights in 1992 and of the new Labour Code in 1993 are highly appreciated developments. The Committee also welcomes the clearly defined place of the Covenant (and of the other international human rights instruments) in the country's internal legal order. The repeal of Acts Nos. 294/55 and 209/70 is noted with satisfaction.

66. The creation of a Directorate-General for Human Rights within the Ministry of Justice and Labour and the State party's initiation of a programme of technical cooperation with the Centre for Human Rights of the United Nations are seen by the Committee as encouraging developments.

67. The Committee notes with satisfaction the creation of a Secretariat for Women to coordinate activities undertaken by the Government in relation to the mandate contained in the Constitution, which proclaims the principle of equal rights for men and women.

68. The Committee also notes the progress made by the State party in the field of education. The constitutional provision whereby 20 per cent of the State budget must be allocated to education is noted with great interest.

C. Factors and difficulties impeding the implementation of the Covenant

69. The Committee is well aware that democracy in Paraguay must be consolidated and that it will take many more years to eradicate completely the attitudes created by decades of dictatorship, glaring social inequalities and latifundismo. The economic difficulties encountered by the State party, the high degree of poverty throughout the country and the constraints imposed by foreign debt repayment are further obstacles to the full realization of the economic, social and cultural rights embodied in the Covenant. The Committee also recognizes that the persistence in Paraguayan society of attitudes engendered by a culture in which men are treated as superior to women does not facilitate the full implementation of article 3 of the Covenant.

D. Principal subjects of concern

70. Of particular concern to the Committee is the persistence of clear disparities in the exercise of economic, social and cultural rights in Paraguayan society, where a high percentage of the population still lives in conditions of poverty. The Committee therefore notes with concern the slow pace at which the Government, through the Social Welfare Institute, is proceeding with the land reform provided for in the Constitution, since that slow pace is a continuing cause of labour and social conflict and is hampering the exercise by the agricultural sector of the rights recognized in the Covenant.

71. The Committee is very concerned at the plight of the indigenous population, as well as the estimated 200,000 landless mestizo peasant families. The main reason for hunger and malnutrition among the indigenous population and the deprivation of their rights is linked to the severe problem of obtaining access to traditional and ancestral lands. Though recognized by Law 904/81 and other subsequent laws, this right remains in abeyance. Eighty documented claims for legalizing indigenous access to traditional land have been pending for a number of years. All indigenous groups in the Chaco were expelled from their traditional land by cattle ranchers or industrial enterprises. The Committee is also concerned about the situation of landless peasant families, of whom 50,000, on 15 March 1996, marched on the capital, Asunción, demanding adoption of legislative measures with respect to the land occupied by them and denouncing the Government's failure to fulfil past promises of agrarian reform. In Paraguay today, 5 per cent of the population owns between 60 and 80 per cent of the national territory, a situation fraught with danger for peace and stability.

72. The Committee expresses its concern at the many forms of discrimination against women. Discrimination in employment is a serious problem, particularly in the form of unequal pay for equal work. The Committee also regrets that no information has been received from the State party regarding the actual status of women in Paraguay, in particular on violence against women.

73. Regarding the implementation of article 7 of the Covenant, the Committee is most concerned that, despite the existence of legislation governing the minimum wage, many workers - perhaps even as many as 50 per cent - do not earn that wage.

74. While recognizing that the right to form and join trade unions is established by law, the Committee is concerned about the excessive number of cases of discriminatory practices by employers against unionized workers, including wrongful dismissal for trade-union activities. While aware of the impact of decades of dictatorship on the culture of entrepreneurs, the Committee is compelled to point out that the free exercise of trade-union rights is one of the fundamental rights of workers, as elaborated in article 8 of the Covenant.

75. The Committee expresses its concern about the restrictive nature of the legislation governing the right to strike.

76. With regard to the implementation of article 9 of the Covenant, the Committee expresses its concern that large sectors of the population are excluded from any social protection because the informal sector accounts for a large share of the economy.

77. The Committee is particularly concerned about the large number of child workers and street children in Paraguay. It draws attention to the inadequacy of the measures taken by the Government to combat these phenomena, which are serious violations of the fundamental rights of the child.

78. The Committee expresses its concern about the inequitable distribution of health services between urban and rural areas. It also notes the very small number of medical and paramedical personnel in the country. The high rates of infant mortality and infant morbidity are also matters of concern for the Committee, as are the high maternal mortality rate and the inadequacy of guidance and family-planning services.

79. With regard to the implementation of articles 13 and 14 of the Covenant, the Committee recognizes the sustained efforts made by the Government of Paraguay, but is very concerned about the disparities between the school systems in urban and rural areas and the high drop-out rate. The Committee also expresses concern about the inadequate training and pay of teachers at all educational levels. The decline in the quality of education, the irrelevance of educational methods and the excessively centralized and bureaucratic management of the educational sector, as diagnosed by UNICEF, are noted with concern by the Committee.

80. The Committee regrets the apparent failure to disseminate the Covenant in the various sectors of society, particularly in the Guarani language. The Committee notes that little has been done to inform the general population, and in particular the indigenous population, of its fundamental rights.

E. Suggestions and recommendations

81. The Committee recommends that the office of the Ombudsman, as provided for in chapter IV of the 1992 Constitution, be established without delay.

82. The Committee urges the Government of Paraguay to continue the economic development, agrarian reform and fiscal reform programmes now under way in order to deal with the serious problem of unfair distribution of wealth, as a means of combating poverty.

83. The Committee urges the State party to take energetic measures to eliminate the forms of discrimination to which indigenous peoples are subjected in the enjoyment of their economic, social and cultural rights. It is essential that particular attention be paid to the land problems which affect them and that genuine political will be displayed to solve these problems in a human rights context. The Committee also recommends that a detailed study be carried out, under government auspices, on the socio-economic situation of indigenous women.

84. The Committee recommends that the Government pursue policies designed to achieve genuine equality of rights between men and women and eliminate the discriminatory provisions that are still contained in civil, criminal, trade and labour laws, as well as in family law.

85. The Committee recommends that appropriate legal measures be undertaken in relation to crimes of violence against women and children within or outside the family.

86. The Committee recommends that the Government adopt an affirmative action policy to improve the social status of women, inter alia at the workplace. The Committee encourages the State party to take all necessary measures for the full implementation of legislation on equal pay and equality of opportunity.

87. The Committee recommends that urgent measures be adopted, inter alia by increasing the awareness of employers, labour judges and the police, in order to guarantee the full implementation of the right to engage in trade-union activities and the right to strike.

88. The Committee recommends that the necessary legislative and other measures be adopted to prevent and remedy situations of distress caused by the abandonment of families by fathers, making them responsible for assisting and supporting their families.

89. The Committee recommends that the State party launch a programme, in cooperation with UNICEF and ILO, to combat the exploitation of child labour and the abandonment and exploitation of street children.

90. The Committee encourages the State party to take measures to improve the system of health care, which should take into account the needs of all segments of society, and reduce the disparities from which the system now suffers.

91. The Committee recommends that the Government of Paraguay energetically pursue its efforts and increase its investment in education, particularly primary education. Greater attention should be paid to this sector in the technical cooperation programmes in which the country is involved. The Committee urges the Government to expand the campaign undertaken by the Directorate-General for Human Rights of the Ministry of Justice and Labour in relation to human rights education at the primary, secondary and university levels and extend its scope to include elected officials, the military, professors and the judiciary.

92. The State party is encouraged to ratify the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

93. The Committee considers that systems for collecting statistics should be improved on the basis of more appropriate indicators, with a view to the objective evaluation of problems and the progress made in the implementation of the provisions of the Covenant.

94. The Committee requests the State party to provide it with written replies to the unanswered questions in the list of issues submitted to it prior to the consideration of the report (questions 2, 6, 10, 12, 19, 20, 30 and 32), as well as all those relating to the rights contained in articles 13 to 15 of the Covenant (questions 34 to 42), and asks that such information be sent to the Centre for Human Rights by 31 October 1996. The Committee would also like the next report of Paraguay to fill in the information gaps identified during the consideration of the initial report by the Committee. The report should contain detailed information on the full implementation of legislative and administrative measures relating to prevention and enforcement

in respect of safe and healthy working conditions. The Committee would also like information to be transmitted on cases in which the Covenant has been invoked in the courts.

SPAIN

95. At its 3rd, 5th, 6th and 7th meetings on 1, 2 and 3 May 1996, the Committee considered the third periodic report of Spain on articles 1 to 15 of the Covenant (E/1994/104/Add.5), as well as the written replies to the additional questions drawn up by the pre-sessional working group, and, at its 22nd meeting on 14 May 1996, adopted the following concluding observations.

A. Introduction

96. The Committee expresses its satisfaction with the detailed report submitted by the State party and the substantial additional information supplied in writing, as well as with the excellent dialogue established between its members and the large delegation of experts, including women, representing the ministries concerned.

97. However, the Committee regrets that the Government did not cover articles 7, 8, 9 and 12 of the Covenant in its report. Nevertheless, the Committee is satisfied with the oral information concerning those articles provided during the dialogue, which demonstrates the Government's firm resolve to implement all the provisions of the Covenant.

B. Positive aspects

98. The Committee congratulates Spain on the many steps it has taken, in constitutional law and otherwise, to promote the realization of the economic, social and cultural rights set forth in the Covenant. It notes with satisfaction the particular efforts which the Government has made to address unemployment in various forms, the positive action taken to enable adults to pursue academic studies, even through distance learning, the improvement of the status of motherhood and fatherhood, and the special attention paid to protecting the rights of elderly persons.

C. Factors and difficulties impeding the implementation of the Covenant

99. The Committee notes the difficulties currently being experienced by Spain as a result of structural changes and the economic recession. The decentralization and privatization of some social services, persistent large-scale unemployment and budget cuts affect the whole population, and especially the most vulnerable groups.

D. Principal subjects of concern

100. The Committee notes with concern that, despite the new legislative provisions in force, discrimination continues against women with regard to the right to equal treatment at work, the right to equal pay and access to education.

101. The Committee also notes with concern that, as a result of the economic recession, budget cuts have been made in the social welfare sector and have had a particular impact on the most vulnerable groups in society. In this regard, the Committee emphasizes the importance of the view expressed in its General Comment No. 3 (1990) on the nature of States parties' obligations 5/ (para. 12), that even in times of severe resource constraints, whether caused by a process of adjustment, by economic recession or by other factors, the vulnerable members of society can, and indeed must, be protected by the adoption of relatively low-cost targeted programmes.

102. The Committee further notes with concern that the unemployment rate in Spain is extremely high, and particularly so for women and young people.

103. The Committee notes the persistence of a worrying rate of illiteracy, especially among women and in certain southern regions.

104. The Committee notes with great concern the growth in the number of acts of discrimination and racism against foreigners in Spain, particularly directed at groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

105. The Committee notes that the central Government does not systematically collect disaggregated national statistics concerning the rights covered by the Covenant, and that consequently it does not always possess adequate data to enable it to evaluate the application of the Covenant fully and appropriately.

106. The Committee notes that the public as a whole and the media are still largely ignorant of the Covenant's provisions, with the result that the vast majority of the population is unaware of the commitments entered into by the Spanish authorities with regard to economic, social and cultural rights.

E. Suggestions and recommendations

107. The Committee recommends that the Spanish authorities continue their efforts to ensure effective equality between men and women, in particular with regard to access to education and jobs and equal pay for equal work.

108. The Committee recommends that the State party take special steps to protect the most vulnerable groups in society as effectively as possible against the impact of the budget cuts currently affecting the social sector.

109. The Committee encourages the Government of Spain to continue to devise and apply all possible measures to curb the present rate of unemployment. In that context, it suggests that the State party retain the integration of women and young people in the labour market as a priority policy.

110. The Committee encourages the Spanish authorities to take all necessary steps to reduce the level of illiteracy, which particularly affects women and certain population groups living in particular parts of the country.

5/ E/1991/23, annex III.

111. The Committee urges the Government to take all appropriate preventive and penal measures to combat effectively all forms of racial discrimination, which particularly affects groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

112. The Committee recommends that the State party take the necessary steps systematically to collect and analyse disaggregated national statistics relating to the rights covered by the Covenant, in order to have an effective tool for monitoring the realization of those rights.

113. The Committee recommends that the State party's report and the Committee's concluding observations be extensively publicized within the country, especially through the media, the universities and interested non-governmental organizations.

GUATEMALA

114. The Committee considered the initial report of Guatemala on articles 1 to 15 of the Covenant (E/1990/5/Add.24) at its 11th to 14th meetings on 7 and 8 May 1996 and, at its 26th meeting on 17 May 1996, adopted the following concluding observations.

A. Introduction

115. The Committee expresses its appreciation to the State party for the submission of a comprehensive core document and written replies to its list of questions, and for an introductory statement which offered an overview of recent developments and plans in relation to the promotion and protection of the rights provided for in the Covenant.

116. The Committee welcomes the willingness of the high-level delegation to engage in an open and constructive dialogue with the Committee. In this regard, the Committee appreciates the delegation's frank admission that numerous difficulties continue to be encountered and problems remain to be overcome in order to ensure the effective enjoyment of the rights provided for in the Covenant. The readiness of the State party to distribute to the members of the Committee copies of the Human Rights Procurator's report, which contains material critical of the present situation with regard to the implementation of human rights in the country, is indicative of the openness of the Government in acknowledging and pointing out the present weaknesses and failures of the system for the implementation of human rights standards in Guatemala.

B. Positive aspects

117. The Committee is encouraged by the Government's commitment to the continuity of the process of negotiating a comprehensive peace agreement, as illustrated by the signing in Mexico City on 6 May 1996 of the Agreement on Social and Economic Aspects and Agrarian Situation, which forms part of, and will come into effect with the signing of, the Agreement on a Firm and Lasting Peace.

118. The Committee welcomes the signing on 29 March 1994 of the Comprehensive Agreement on Human Rights and the establishment of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA). Further positive developments are the conclusion of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, of 17 June 1994, and the Agreement on the Identity and Rights of Indigenous Peoples, of 31 March 1995, signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). The Government's recent adherence to ILO Convention No. 169 of 1989 concerning Indigenous and Tribal Peoples is also noted with interest.

119. The Committee notes the establishment of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights and the Office of the Human Rights Procurator. It is noted that the latter Office has a unit for the promotion and protection of the rights of persons with disabilities and the elderly and that a bill concerning the care of persons with disabilities is currently being considered.

120. The Committee expresses satisfaction at the ending of the illegal practice of forced enlistment into military service.

121. The Committee takes note of the measures introduced to promote equality between men and women through reform of the Labour Code by Congressional Decree 64-92 of November 1992 and the Constitutional Court's declaration that articles 232 to 235 of the Penal Code are null and void on the grounds that they conflicted with article 4 of the Constitution, which states that all human beings are free and equal in dignity, responsibilities and rights.

122. The Committee further notes that the Guatemalan Housing Fund (FOGUAVI) was set up in February 1995 for the principal purpose of providing funding for projects designed to solve the housing problems of Guatemalan families living in poverty or extreme poverty.

C. Factors and difficulties impeding the implementation of the Covenant

123. The Committee recognizes that Guatemala continues to suffer from the consequences of armed conflict which has lasted more than 30 years. Overcoming the resistance to reform from vested interests which have, in the past, caused the failure of agrarian reform, and which continue to be relevant today, is of major importance. Thus, as recognized by the State party, the root causes of the armed conflict remain to be tackled, embedded as they are in socio-economic disparities and uneven land distribution in an almost feudal-like system characterized by discrimination against the indigenous and rural populations.

124. The Committee agrees with the observations made by the Government that the situation of armed conflict has resulted in serious human rights violations. The continuing existence of paramilitary groups in the guise of so-called "civilian self-defence committees", which are responsible for many thousands of extrajudicial executions, remains a serious obstacle to peace. The continuing difficulties encountered in combating the problem of impunity and the uneven distribution of economic resources have led to a loss of

confidence on the part of the civilian population which needs to be addressed in order to secure economic, social and cultural rights and a return to the rule of law in the country.

125. The Committee is of the opinion that traditional values and practices assigning an inferior role to women in society and within the family are serious factors impeding the full realization by women of their economic, social and cultural rights as provided for in the Covenant.

D. Principal subjects of concern

126. While the Committee welcomes the Government's intention to reform domestic legislation to bring it into greater conformity with the provisions of international human rights instruments, among them the International Covenant on Economic, Social and Cultural Rights, it remains concerned about the significant gap existing between the rights provided for in legislation and their implementation in practice. It notes with concern the fact that provisions of the Civil Code of Guatemala, especially its articles 109, 114 and 131, discriminate against women.

127. The Committee is extremely concerned about adverse effects which the economic and social disparities existing in the country have on the enjoyment of economic, social and cultural rights by the majority of the population, particularly by the indigenous and rural populations of Guatemala, as well as by other vulnerable groups in society, especially children, persons with disabilities and elderly persons.

128. Far-reaching racial discrimination, extreme poverty and social exclusion in relation to the indigenous populations negatively affect the enjoyment of economic, social and cultural rights by these populations, and are matters of deep concern for the Committee.

129. The Committee wishes to voice its serious concern about the continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions, which has led to the invisibility of the problem of domestic violence against women.

130. While the Committee appreciates the open admission by the Government that land was illegally appropriated by force in the past and that plans are in place to address this problem, the Committee remains convinced that the issue of land ownership and distribution of land is crucial to addressing economic, social and cultural grievances of a substantial segment of the population.

131. The Committee is deeply disturbed at the apparent flagrant disregard of labour laws, the alarming reports of employer impunity, and the lack of respect for minimum wages, conditions of work and unionization, particularly as these issues affect individuals employed in a large number of the farming sectors. The ineffectiveness of labour laws in protecting trade-union rights when coupled with the problems of high levels of unemployment and underemployment gives cause for deep concern. Thus, despite the Government's stated policy of undertaking further commitments to strengthen the labour inspectorate and introduce changes in the monitoring and enforcement of labour standards, including through the proposals on economic policy and labour

legislation contained in recently signed agreements, the possibilities for ensuring effective implementation of the new proposals continue to give grounds for concern to the Committee. One aspect which is of serious concern to the Committee is the situation of those persons working in the maquilas (expert sector industries), many of whom are women.

132. The Committee remains unclear as to the adequacy of social protection provided to those employed in the informal sector.

133. The general situation faced by internally and externally displaced persons remains a serious cause of concern for the Committee.

134. The Committee expresses its concern at the issue of low access to safe water for the rural population, the higher incidence of infant mortality within certain socio-economic groups, the situation of persons with disabilities, the prevalence of endemic diseases, the problem of the inadequacy of social welfare and security, the persisting housing shortage and the inadequacy of access to health care. The Committee is of the view that this general situation affecting the most vulnerable in Guatemalan society deprives them of their full enjoyment of the economic, social and cultural rights provided for in the Covenant.

135. Particular concern is expressed by the Committee at the persisting problems of illiteracy and lack of access to education as they affect the poorest sectors of the population. Notice is also taken by the Committee of the inadequacy of human rights education provided for the entire population.

E. Suggestions and recommendations

136. The Committee acknowledges the goodwill of the Government and its open admission of the need for reform in all areas of economic, social and cultural life. The Committee stresses that the implementation of the Covenant's provisions cannot be ensured without reform and without adequate implementation of the peace accord, which require above all the just distribution of wealth and of land.

137. Thus the Committee is of the opinion that the issue of land ownership and redistribution should be closely monitored, in the light of the implementation both of article 14 of the Constitution, which provides for the expropriation of fallow land on private estates, and of the Agreement on Social and Economic Aspects and Agrarian Situation. The establishment of national benchmarks is essential to ensure a systematic review of the progress made towards implementation of these provisions and should be viewed as an essential element for ensuring international cooperation and domestic change. The Committee recommends, therefore, that international cooperation be devoted to the goal of implementation of economic, social and cultural rights.

138. The Committee notes the intention of the Government to reform its fiscal and monetary policy as a means of promoting social and economic development. The Government's plans to divert resources to social welfare measures, particularly in the fields of health and education, are welcomed. The

Committee recommends that the international community support the measures taken in this regard and ensure the regular and close monitoring and review of projects undertaken pursuant to various agreements entered into with a view to securing a lasting peace.

139. The Committee emphasizes the importance of the role being undertaken by MINUGUA in monitoring the peace process and the progress of efforts to improve respect for human rights, which should include economic, social and cultural rights.

140. The Committee recommends that all legislative and other reforms take into account the need to promote equality and reverse the devastating effects of discrimination against the indigenous populations, in particular through affirmative action.

141. It is the Committee's view that the problem of discrimination against women has been neglected and that this lacuna should be addressed, especially in view of the current efforts to effect changes in attitudes and policy for sustainable peace and development in the country. The Committee notes with approval the proposed consideration of reform of family law in the Civil Code, namely its articles 109, 114 and 131, which discriminate against women.

142. It is urgently recommended that the effective implementation of trade-union rights and the labour laws be addressed. The protection of such rights requires that particular attention be accorded to the enforcement of labour laws, consistent with the provisions of the Covenant, especially in view of the considerable need of the indigenous and other disadvantaged groups in society to enjoy economic opportunities and social mobility.

143. While taking note of the various measures undertaken to reintegrate returning refugees and internally displaced persons, the Committee wishes to highlight the need for continued international cooperation in this field too. Moreover, the careful scrutiny and involvement of the international community in all these efforts will be all the more indispensable in the event of the peace agreement being signed and of the consequent need to reintegrate the demobilized army and guerrilla forces into society and the economy.

144. The Committee recommends that further measures be taken to prevent and combat the phenomenon of child labour, including through full respect for the international standards relating to the minimum age of employment for children.

145. The Committee acknowledges the value of the shift in health and education policy towards promoting access to health care and services and to education for the most disadvantaged groups of society and strongly recommends that this focus be maintained. It reiterates its strong conviction as to the need to devote sufficient resources to the implementation of articles 9 to 14 of the Covenant. In this context, attention is also drawn to the urgent need to undertake further measures to tackle the problem of illiteracy.

146. The Committee concurs with the observations made by the delegation that a major task facing the country and its Government is further to develop, strengthen and secure the participation of the population in establishing and preserving lasting peace in the country through implementation of decisions

agreed on in peace accords regarding the full respect of human rights and fundamental freedoms. It is the Committee's opinion that a human rights culture must be created, including addressing the problem of culturally ingrained discrimination, which is pervasive in Guatemala.

EL SALVADOR

147. The Committee considered the initial report of El Salvador on articles 1 to 15 of the Covenant (E/1990/5/Add.25) at its 15th, 16th and 18th meetings on 9 and 10 May 1996 and, at its 26th meeting on 17 May 1996, adopted the following concluding observations.

A. Introduction

148. The Committee thanks the State party for its initial report, despite the considerable delay in its submission. The Committee also thanks the State party for its written replies to the list of issues presented to it, but regrets that they were not submitted in time to be translated and considered more carefully by members of the Committee. The Committee also regrets that information relating to article 15 of the Covenant was missing from the report, as well as from the written replies to the list of issues, in spite of specific requests for such information. The Committee notes with satisfaction that the report of El Salvador was drafted in consultation with national non-governmental organizations.

149. The Committee points out that the lack of concrete information, both in the report and in the written and oral replies provided by the delegation, prevented the Committee from making an effective evaluation of the actual situation as regards the exercise of economic, social and cultural rights by the Salvadoran population. The Committee notes in particular the delegation's failure to provide specific statistics on the composition of the population and on the various economic, social and cultural indicators. However, the Committee has taken note of the delegation's undertaking that additional information will be provided in response to the various points raised by the Committee.

B. Positive aspects

150. The Committee notes with satisfaction that, within the internal legal order, international human rights instruments take precedence over national laws, and that the 1983 Constitution contains human rights provisions. The Committee also notes that amparo proceedings may be instituted for the protection of economic, social and cultural rights, although the delegation failed to clarify whether the provisions of the Covenant can be invoked directly before the courts.

151. The Committee welcomes the ratification of 14 ILO Conventions in 1994, including the following: Medical Examination of Young Persons (Industry) (Convention No. 77), Labour Inspection (Convention No. 81), Minimum Wage Fixing Machinery (Agriculture) (Convention No. 99), Discrimination (Employment and Occupation) (Convention No. 111), Labour Inspection (Agriculture) (Convention No. 129), Minimum Wage Fixing (Convention No. 131), Human Resources Development (Convention No. 142) and Tripartite Consultation (International Labour Standards) (Convention No. 144).

152. The Committee notes with satisfaction the creation in 1991 of the post of Procurator for the Defence of Human Rights, whose important functions, particularly the competence to conduct inspections and investigations, file complaints and draft recommendations, are provided for in article 194 of the Constitution. The Committee also welcomes the creation of local units of the Office of the Procurator for the Defence of Human Rights to ensure wider understanding of and greater protection for human rights, including economic, social and cultural rights.

153. The Committee welcomes the adoption of an economic and social development plan for 1994-1999, the main aims of which are to reduce poverty, improve the quality of life of the population and increase access to the land for landless peasants. The Committee also notes that the portion of the national budget allocated to social expenditures has increased. The establishment of a Social Investment Fund to channel resources from donors to projects designed mainly to help low-income groups and the implementation of the Social Rehabilitation Plan for 78 communes are welcomed by the Committee.

154. The Committee welcomes the measures taken by the Government to reform the education system and improve access to education. The Programme for Education with Community Participation (EDUCO), introduced to promote the education of rural children and adults, literacy programmes and the comprehensive child-care programme are all positive steps towards the realization for all of the right to education.

155. The Committee also welcomes the creation in 1989 of the National Secretariat of Family Affairs, the adoption of a new Family Code, the Government's ratification in August 1995 of the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), and the establishment of the Salvador Institute for the Development of Women and the Salvadoran Juvenile Protection Institute. The Committee welcomes the introduction of a telephone hot line to provide psychological help to victims of violence and to inform them about the social and medical help and legal assistance available to them.

C. Factors and difficulties impeding the implementation of the Covenant

156. The Committee recognizes that the high cost of rebuilding numerous elements of infrastructure that were destroyed during the 12 years of civil war and of the implementation of the peace agreements, in conjunction with the region's difficult economic circumstances, hamper the full realization of economic, social and cultural rights.

157. The full implementation of economic, social and cultural rights is further hampered by the high cost of reintegrating returning refugees and displaced persons.

D. Principal subjects of concern

158. The Committee is deeply concerned at the high level of poverty which is affecting most of the country's inhabitants. The food and nutritional situation is a major problem, reflected among other things in a high level of infant mortality, since a very high proportion of children are suffering from

malnutrition. Although the Committee recognizes that considerable efforts have been made by the authorities to improve the situation, it wishes to emphasize that the continued existence of such a level of poverty in a country experiencing constant economic growth is unjustifiable.

159. The Committee is concerned at the sluggishness with which certain clauses of the 1992 Peace Agreement are being implemented, including those concerning respect for the economic, social and cultural rights of the population, and more particularly the programme of land redistribution.

160. The Committee also notes that the scope of the authority of the Office of the Procurator for the Defence of Human Rights is unclear, particularly as regards follow-up by the administrative or judicial authorities to complaints filed by his Office concerning violations of economic, social and cultural rights brought to his attention by individuals.

161. The Committee notes with concern that discrimination against women, both at work and in the home, remains a major problem in Salvadoran society, and while noting that efforts have been made to change the legislation, it emphasizes that the law still contains discriminatory provisions, particularly in the Civil and Penal Codes.

162. The Committee regrets the total lack of any specific information on articles 6 to 8 of the Covenant, both in the written report and during the debate. The Committee expresses its concern at the adverse consequences for economic, social and cultural rights of the way in which economic adjustment, austerity and privatization programmes have been implemented, especially in the short term. The Committee notes that working conditions in the duty-free zones have deteriorated and that difficulties have resulted from the inadequacy of resources available to enable the factory inspectorates to enforce legislation on the minimum wage, equal remuneration for men and women, industrial safety and hygiene, and wrongful dismissal.

163. The Committee regrets that article 291 of the Penal Code remains in force, despite the fact that it has been deemed by ILO's Committee of Experts on the Application of Conventions and Recommendations to be contrary to ILO Convention No. 105 of 1957 concerning the Abolition of Forced Labour.

164. Although the Committee takes note of the increase in the minimum wage, it is concerned that the minimum wage remains below the cost of subsistence, as acknowledged by the delegation of El Salvador; the minimum wage amounts to 1,050 colones in urban areas and 900 colones in rural areas, while basic subsistence costs amount to 4,500 colones.

165. The Committee considers that the legal restrictions on trade-union freedom and the right to strike are far too extensive. In the view of the Committee, the prohibition on aliens occupying positions of responsibility within a trade union is contrary to the Covenant. The Committee is concerned at the numerous reports it has received of violations with virtually total impunity in enterprises located in duty-free zones of the rights contained in articles 7 and 8 of the Covenant.

166. The Committee expresses its concern at the extent of the problem of violence against women, both within and outside the family, in Salvadoran society and its implications for the physical and mental health of women and their children.

167. The Committee notes with concern the apparently chronic housing shortage, and the fact that a large proportion of the population lives in precarious conditions and in housing that does not correspond to the content of the right to adequate housing recognized in article 11 of the Covenant.

168. The Committee notes that, despite a number of initiatives by the Government, effective access to education by children of school age is unsatisfactory in El Salvador. The Committee is particularly concerned that the objective of universal primary education has not yet been achieved. The high drop-out rate, high absenteeism, failure rates and the high rates of illiteracy as a result of exclusion from the education system are also of concern to the Committee. Although child labour is often necessary for the survival of the family, it is one of the factors hampering the implementation of articles 13 and 14 of the Covenant, and the Committee is disturbed by the apparent lack of action by the authorities to remedy the situation.

169. The Committee is concerned that it has received no information on any programmes introduced by the Government to guarantee the economic, social and cultural rights of ethnic minorities in El Salvador.

170. The Committee notes with concern the total lack of information on either legislation or practice in El Salvador concerning the implementation of cultural rights specified in article 15 of the Covenant.

171. The Committee notes that the technical cooperation project submitted by the Centre for Human Rights of the United Nations to the Government of El Salvador, which would enable the latter to receive the assistance necessary to implement the international human rights conventions to which El Salvador is a party and to develop greater familiarity with and respect for human rights among the members of its administration, has not yet been approved by the authorities.

E. Suggestions and recommendations

172. The Committee recommends that the Government address the problem of the inequitable distribution of wealth among the population in order to combat the poverty that characterizes the country.

173. The Committee recommends that every effort be made to ensure the prompt and full implementation of the 1992 Peace Agreement, including the provisions which relate to land redistribution and economic, social and cultural rights, respect for which is, in the Committee's opinion, a guarantee of social peace in El Salvador.

174. The Committee would like the next report submitted by El Salvador to contain specific information on the activities of the Office of the Procurator for the Defence of Human Rights and, in particular, on how much weight is carried by the recommendations it makes and on the action taken on complaints it files with regard to violations of economic, social and cultural rights.

175. The Committee urges that all necessary measures be taken to eradicate discrimination against women in Salvadoran law and that programmes be set up to eliminate inequalities between men and women.

176. The Committee recommends that particular attention be paid to the problem of unemployment. It recommends that measures be taken to ensure that as few jobs as possible are sacrificed and that social protection and vocational rehabilitation programmes are guaranteed for persons who lose their jobs.

177. The Committee recommends that the State party make the necessary efforts to implement the Salvadoran legislation on minimum wages, safe and healthy working conditions, equal pay for equal work by men and women, and arbitrary dismissal. To this end, the Committee stresses that sufficient resources must be allocated to labour inspection services to enable them to carry out the tasks entrusted to them.

178. The Committee recommends that El Salvador take the necessary measures to bring its legislation on trade-union freedom, collective bargaining and the right to strike into line with its international obligations.

179. The Committee recommends that the construction of low-income housing for the poorest sectors of Salvadoran society be intensified in urban and rural areas and that a greater effort be made to provide sanitation and drinking-water supplies for the entire population.

180. The Committee encourages the Government of El Salvador to pursue the reforms of the education system that it is carrying out, particularly in order to make primary education available to all and to reduce illiteracy. It is the Committee's opinion that measures should be taken by the authorities to enable working children to receive an adequate education.

181. The Committee would like the next report of the State party to contain information enabling it to evaluate the extent to which the members of indigenous communities enjoy all the economic, social and cultural rights provided for in the Covenant.

182. In view of the many gaps identified by the Committee in the report and the additional information supplied by the Government and the delegation of El Salvador, the Committee reiterates its request to the Government to submit further information on articles 6 to 8 and 15 of the Covenant, as well as on any problems encountered in this regard. Such information should be provided to the Committee by 31 October 1996.

183. While welcoming the establishment of collaboration between the authorities and non-governmental organizations, the Committee notes that that collaboration is sporadic, and expresses the hope that it will become general, particularly with regard to drafting reports for the various international human rights treaty bodies, including this Committee, and publicizing the activities of the Procurator for the Defence of Human Rights.

184. The Committee expresses the hope that the State party will consider the possibility of ratifying the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

185. The Committee recommends that the proposal of the Centre for Human Rights concerning technical cooperation be given favourable consideration by the Salvadoran authorities and that such assistance be used to guarantee the enjoyment of economic, social and cultural rights by all.

GUINEA

186. The Committee considered the state of implementation by Guinea of the economic, social and cultural rights contained in the Covenant at its 17th and 22nd meetings on 10 and 14 May 1996 and, at its 22nd meeting, adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

187. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

188. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in achieving observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases and must do so on the basis of all reliable information available to it.

189. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will provide an opportunity for the Government to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policy with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Introduction

190. Guinea has been a party to the International Covenant on Economic, Social and Cultural Rights since 24 April 1978. Since then, it has not submitted a single report. The Committee strongly urges the Government of Guinea to fulfil its reporting obligations as soon as possible, so that the Covenant can be given full effect for the benefit of the people of Guinea. The Committee emphasizes that it considers the non-performance by Guinea of its reporting obligations not only a violation of the Covenant, but also a grave impediment to the adequate application of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

191. The Committee takes note of the fact that performance by Guinea of the obligations arising from the International Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions in which the country finds itself at present.

192. The Committee finds that the progress made in the field of economic, social and cultural rights since the death of Sékou Touré and the assumption of power by Lansana Conté late in 1993 is inadequate. Although the transition from a one-party system to a multi-party one is under way, it is encountering some difficulties, and the Committee believes that the existence of a rule of law proclaimed by the 1990 Constitution remains essentially formal. According to information received by the Committee, social tensions persist and there is a climate of violence in Guinea. That climate was heightened during elections, popular uprisings and the recent army mutiny.

193. With regard to the economic and social situation, the Committee observes that the living conditions of Guineans are extremely difficult. According to a 1994 World Bank report, Trends in Developing Economies, Guinea is among the poorest countries of Africa, despite its natural resources, such as agriculture, energy and mining. The average annual per capita income for 1992 was estimated at $510. Around one fourth of children die before the age of 5, and average life expectancy is 45 years. Only 37 per cent of school-age children have access to primary school, and 59 per cent of adults are illiterate. According to one estimate, about 50 per cent of the population is living in poverty. Even though inflation has clearly diminished since 1990, prices remain high, inflation significant and per capita gross domestic product inadequate. The Committee recalls that extreme poverty and social exclusion undermine human dignity. New alternative national and international policies should be adopted in those areas.

194. The Committee notes that the Government has not succeeded in halting the economic and social crisis described, although it has taken various measures with a view to adopting a new socio-economic development strategy. Thus Guinea opted in favour of a free-market economy, and in 1995 a programme for financial and economic reform was launched and an agreement with regard to the Enhanced Structural Adjustment Facility was negotiated with the assistance of the World Bank and the International Monetary Fund. In this regard, the Committee emphasizes, however, that from the point of view of the Covenant and

its interpretation by the Committee, any reform measures must be accompanied by the adoption of targeted programmes designed to protect the vulnerable groups and members of society.

D. Positive aspects

195. Concerning the rights proclaimed in article 8 of the Covenant, the Committee notes that, despite the major role played by the trade unions at the time of independence, trade-union freedom has since been stifled by the Government. None the less, the Committee welcomes the observations made by the Guinean Government to the International Labour Organization in 1995, according to which several new trade unions had been formed in Guinea in conformity with the 1988 Labour Code.

196. As to article 12 of the Covenant, the Committee notes that clear progress can be observed in the BCG, tetanus and polio vaccination rates.

E. Principal subjects of concern

197. The Committee notes with concern that only some of the rights proclaimed in the Covenant (for example, trade-union freedom and freedom of education, which is compulsory) are recognized in the 1990 Constitution, and that the provisions of the Covenant have not yet been incorporated into Guinean law. Furthermore, despite the embodiment in the Constitution of the principle of the independence of the judiciary the Supreme Court and High Court of Justice seem to be under the control of the executive branch. That explains the difficulties encountered by Guineans in exercising their fundamental rights, since the judiciary does not play an effective role in guaranteeing those rights.

198. With regard to the rights contained in articles 6 and 7 of the Covenant, the Committee notes that there is a serious unemployment problem in Guinea. For example, unemployment among qualified young people has increased considerably in recent years. According to information received by the Committee, the low salaries are too low for the high cost of living, leaving many Guineans to supplement their incomes through additional jobs, as the majority of civil servants are forced to do, quite illegally.

199. The Committee also notes that unequal treatment of men and women is increasing, particularly in the informal sector of the economy. The Committee therefore invites the Guinean Government to take steps on a national level to implement the principle of equal pay for equal work, which derives from the principle of non-discrimination against women proclaimed in the Covenant, in ILO Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation, and in the 1990 Constitution.

200. Concerning working conditions, the Labour Code contains provisions on health and safety in the workplace. However, the Government has not yet formulated rules for their implementation. The Committee notes, for example, that according to ILO's Committee of Experts on the Application of Conventions and Recommendations, the Government has not yet adopted regulations on protection against atomic radiation.

201. With regard to article 8 of the Covenant, the Committee notes that the right to strike recognized by the 1990 Constitution and by ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948) and No. 98 (Right to Organize and Collective Bargaining Convention, 1949), which were ratified by Guinea, is apparently not being observed. The Government has intimidated, and even arrested, strikers on several occasions. The Committee refers, for example, to the complaint brought before ILO's Committee on Freedom of Association in late 1995 with regard to the strike organized by the free trade union of teachers and researchers of Guinea.

202. With respect to article 9, the Committee is concerned by the fact that, as late as 1995, no follow-up had yet been given to the draft social security code recently revised with the assistance of ILO. Social security protection is limited to the public administration, State-controlled entities and large enterprises. As most of the country's workforce is concentrated in agriculture, the extent of social security coverage remains insignificant.

203. Concerning article 10 of the Covenant, the Committee notes that many children work on farms, in small businesses and as street vendors. In the Committee's view, observance of the Covenant requires that the Government implement the Labour Code provisions prohibiting child labour under the age of 16.

204. The Committee remains concerned about the cases of domestic violence against women and invites the Government to take the appropriate action to remedy the situation.

205 With regard to article 11 of the Covenant, which provides that everyone has the right to an adequate standard of living, the Committee recalls with concern the poverty affecting approximately 50 per cent of the population of Guinea. Malnutrition is still widespread throughout the country. The Committee is equally concerned by the lack of a minimum wage guaranteed by law. Concerning the right to adequate housing, the Committee observes that the measures taken by the Government do not always seem adequate to meet the needs of the Guinean people.

206. Regarding the right to health proclaimed in article 12, the Committee refers to the information provided by The Economist Intelligence Unit in 1994-1995, and notes that only 13 per cent of the population have access to medical services. Furthermore, only 55 per cent have access to drinking-water, a situation that is made even worse by onchocerciasis, or "river blindness". The Guinean life expectancy of 45 years is one of the lowest in Africa. The Committee notes that women and children are particularly affected by the precarious health situation.

207. The Committee is especially concerned by the persistent practice of female genital mutilation, which has serious consequences for the physical, psychological and social health of women. Women are also among the first victims of the HIV/AIDS virus. Concerning children, the Committee notes that the mortality rate remains high.

208. With regard to articles 13 and 14 of the Covenant, the Committee recalls that illiteracy persists, and regrets that the Guinean Government has not given enough priority in the structural adjustment agreement to schooling and education. The Committee thinks it necessary to give children the right to schooling and training that will enable them to be a part of the socio-economic fabric, which is still in great need of suitably trained people to deal with underdevelopment. The Committee notes that discrimination against women is on the rise, which is apparent from the adult illiteracy rate, access to education and the school drop-out rate among girls. Furthermore, according to information received by the Committee, the school-attendance rate remains low, primary schools are overcrowded and the principle of free primary education guaranteed by law is not always applied. The Government is also apparently not willing to increase the education budget in order to deal with the serious shortage of teachers.

209. The Committee notes that the provisions of article 15 of the Covenant are not being implemented satisfactorily. Access to culture remains difficult, as demonstrated, for example, by the high price of publications. The Committee is equally concerned by the inadequacy of the steps taken by the Government to safeguard the cultural identity of the various ethnic groups in Guinea.

F. Suggestions and recommendations

210. The Committee reiterates its request that the Government of Guinea actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Guinea has been in breach of this obligation for many years.

211. The Committee recommends that the Government of Guinea avail itself of the advisory services of the Centre for Human Rights of the United Nations in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines regarding the form and contents of reports 6/ and with particular emphasis on the issues raised and concerns expressed in the present concluding observations. The Committee also encourages the Centre for Human Rights, through its programme of advisory services and technical cooperation, to make expert assistance available to States for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization.

6/ See footnote 2 above.

Fifteenth session

DOMINICAN REPUBLIC

212. The Committee considered the second periodic report of the Dominican Republic on articles 1 to 15 of the Covenant (E/1990/6/Add.7) at its 29th and 30th meetings on 19 November 1996 and, at its 50th meeting on 3 December 1996, adopted the following concluding observations.

A. Introduction

213. The Committee expresses its appreciation to the State party for its report and welcomes the appearance before it of the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva. The Committee notes with regret, however, that the Government of the State party neither provided written replies to the Committee's list of issues made available to it in January 1996, nor sent an expert delegation to present its report as it had undertaken to do at the Committee's fourteenth session in May 1996, when requesting the postponement of the consideration of its report to the fifteenth session. Consequently, the Committee was obliged, in accordance with its methods of work, to consider the second periodic report of the Dominican Republic without the benefit of a dialogue or the participation of an expert delegation. Nevertheless, the Committee notes the statement by the Permanent Representative of the Dominican Republic to the United Nations Office at Geneva that, although she was unable to take an active part in the Committee's deliberations, she would communicate to her Government the principal additional subjects of concern identified by the Committee in the course of its discussions.

214. The Committee notes with dissatisfaction that the report submitted by the Government of the State party was, like the initial report, not prepared in accordance with its revised guidelines regarding the form and contents of reports. 7/ It also notes that information contained therein is incomplete and of a purely legal nature, without any reference to the situation concerning the practical realization of the rights set forth in the Covenant, and that the suggestions and recommendations formulated by the Committee in the concluding observations adopted at its eleventh session in 1994 8/ have not been addressed in the second periodic report. It further notes, with regret, the lack of information of a general character which the State party was supposed to have provided in a core document, which it has similarly failed to submit.

215. The Committee feels that the failure of the State party to respond to the list of issues and to send a delegation with competence to engage in a dialogue with it at its fifteenth session shows, on the part of the State party, a consistent pattern of disregard for its obligations under the Covenant and an unwillingness to cooperate with the Committee.

7/ Ibid.

8/ See E/1995/22, paras. 309-335.

216. In this connection, the Committee wishes to express its gratitude to non-governmental organizations, both national ("Ciudad Alternativa" and COPADEBA) and international (Habitat International Coalition and International Women's Rights Action Watch), for the detailed and carefully documented information they have made available to it in relation to the Dominican Republic's report. In particular, the Committee draws the attention of the State party to the document "The Dominican Republic: An independent report submitted to the UN Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

B. Positive aspects

217. The Committee notes with satisfaction, from the information available to it from other sources, that the Government has repealed Decree No. 358-91, the application of which had previously negatively affected the realization of the right to adequate housing, and that it has provided a solution to the cases of eviction pronounced under previous Governments.

218. The Committee welcomes the information that the Government has undertaken a thorough review of the public health sector and is preparing a reform of the Health Code.

219. The Committee further appreciates the attempts being made in the Chamber of Deputies to recognize domestic violence as a public health issue and thus to discourage gender violence as a matter of public policy.

C. Factors and difficulties impeding the implementation of the Covenant

220. The Committee notes that the slow pace of evolution towards democracy and the rule of law in the Dominican Republic has inhibited the strengthening of democratic institutions, the modernization of the machinery of government and, consequently, the effective implementation of the Covenant.

221. The Committee also observes that economic difficulties characterized by, inter alia, an increasing number of impoverished people (60 to 65 per cent of the population live below the poverty line), a growing landless rural population, the high level of unemployment, especially in the cities, and the persistent large-scale emigration of skilled and semi-skilled workers have had a constraining influence on the implementation of the Covenant in the Dominican Republic.

D. Principal subjects of concern

222. In relation to article 2 of the Covenant, the Committee observes that the Dominican Republic has done very little to promote public awareness of the rights set forth in the Covenant. The Committee has been informed that abuses by the police and other security services persist.

223. The Committee notes with regret that, although in law United Nations human rights treaties become part of Dominican law upon ratification, in practice the judiciary does not apply these international treaties.

224. The Committee is particularly concerned about the exploitation of Haitians and their unacceptable living conditions in the bateyes. In this connection, it has no reason not to accept the veracity of various reports which emphasize the dire predicament of workers in the bateyes, especially women workers whose presence there is not administratively recognized and who therefore become vulnerable to extreme exploitation (their wages are 50 per cent lower than men's) and are often deprived of their rights and the most basic health and social services. Both men and women in the bateyes, as well as Haitian workers in other sectors of the economy, live in perpetual insecurity and they constitute the principal national group in the Dominican Republic who are subject to deportation in inhuman conditions, often at the whim of employers who take advantage of the State's inaction to exploit the vulnerability of this group.

225. The Committee takes note of information from various sources concerning the arbitrary confiscation of identity cards and the illegal deportation during the 1995-1996 presidential campaign of persons of Haitian origin born in the Dominican Republic. This information stresses the insecurity prevailing with regard to nationality of Dominican citizens of Haitian origin. It thus appears necessary to adopt clear legislation on nationality, which would provide legal security to persons of Haitian origin born in the Dominican Republic and to their children; require the authorities to register births without discrimination; and allow Haitians to obtain Dominican nationality through naturalization under the same conditions as other foreigners.

226. The Committee is informed that Black Dominicans are often subject to the same arbitrary police and administrative discrimination as temporary Haitian workers. Groups representing Blacks in the Dominican Republic also claim that the State violates their cultural rights by allowing the police and local communities to suppress Afro-American or African-identified cultural practices. They also assert that discrimination of this kind is encouraged at public schools and by employers in both the public and private sectors.

227. The Committee also notes with concern that, according to information received from various sources, there is no mechanism for lodging complaints against the arbitrariness or corruption of some judges and that there is no appellate procedure for challenging the discriminatory application of a law, an executive decree or a decree of a court.

228. The Committee notes with great concern that State expenditures on education and training as a proportion of public expenditure are less than half their average in Latin America.

229. The Committee notes with concern that large-scale emigration of Dominicans has been going on for many years and has had and will continue to have a harmful effect on the Dominican economy, since a large number of emigrants are skilled workers. The State party will have to take measures in the educational and socio-economic fields to stem the outflow of skilled workers.

230. The Committee notes with alarm that, 30 years after the first industrial park was established in a free-trade zone in the Dominican Republic, unacceptable working conditions and abuses against workers' rights under articles 6, 7 and 8 of the Covenant persist.

231. The Committee notes with concern the inhuman and archaic prison system, whereby members of the family of an accused person who has run away may be imprisoned without trial in his place as a guarantee for the accused until he surrenders himself to the prison authorities; and whereby prisoners are expected to buy their own meals at weekends, when the prison authorities stop providing them.

232. The Committee is concerned to note the persistent rise of "sex tourism" in resort areas, and the spread of the HIV/AIDS virus, which is one of the country's greatest health problems.

233. The Committee is particularly concerned that the enjoyment by women of economic, social and cultural rights is undermined by, inter alia: a traditional and persistent male-dominated society; the failure to ensure that single women heads of household benefit from the agrarian reform or the Government's housing programme; the absence of any administrative mechanism that allows women to file complaints in cases of discrimination by the Dominican Agrarian Institute; the failure of the Government to protect women workers from discrimination and arbitrary dismissal related to pregnancy, including failure to discourage employers from the practice of pregnancy testing; and failure to develop and promote family-planning services. The Committee is also concerned that, despite the very high rate of hospital births in the Dominican Republic, the rate of maternal mortality is unacceptably high; and that common-law marriages are not legally recognized, although 60 per cent of all marriages are of this nature, the consequence being that, in cases of separation, abandonment or the death of the male breadwinner of the family, a woman frequently loses everything and finds it difficult to acquire an identity card or collateral, without which she cannot obtain agricultural credit, housing or employment.

234. The Committee wishes to voice its serious concern about the continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions.

235. The Committee expresses its concern about the issue of limited access to safe drinking-water for the rural population and those living in deprived urban areas, the higher incidence of infant mortality in certain socio-economic groups, the deplorable situation of persons with disabilities, the prevalence of endemic diseases, the inadequacy of social welfare and social security, the persisting housing shortage and the inadequacy of access to health care.

236. The Committee also calls attention to the various concerns it has expressed to the State party since its fifth session in 1990 in relation to the continuous violation of the right to adequate housing, and regrets that it has received an entirely unsatisfactory and inadequate response from the State party in this respect. The Committee reminds the State party of the

significance it attaches to the right to adequate housing and thus to the adoption of measures by the State party to recognize, respect, protect and fulfil that right.

E. Suggestions and recommendations

237. The Committee invites the State party to confirm publicly its commitment to implementing its binding human rights treaty obligations. It strongly calls upon the Government of the State party to honour its obligations under the International Covenant on Economic, Social and Cultural Rights, particularly through maintaining the proper direct and constructive dialogue with the Committee called for in the Covenant. The Committee proposes to adopt finally its concluding observations in relation to the State party at its sixteenth session. For that reason, the Committee decides that the present concluding observations will be considered "preliminary", pending further consideration of the second periodic report based on a dialogue with representatives of the State party at its sixteenth session.

238. In view of the consistent failure of the State party to meet its reporting obligations under the Covenant and to respond to successive requests for information made by the Committee over a number of years, the Committee urges the State party to attach the utmost importance to responding to the matters raised in the present concluding observations.

239. The Committee further recommends that the State party provide it with written replies (a) to the concluding observations adopted at its eleventh session in 1994, 9/ in particular with regard to its request that the State party invite representatives of the Committee to visit the Dominican Republic; (b) to the list of issues drawn up in connection with the second periodic report (E/C.12/1995/LQ.7); (c) to information contained in the document "The Dominican Republic: An independent report submitted to the United Nations Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch".

240. The Committee requests the State party to submit the information referred to in the preceding paragraph by 15 February 1997 in order to allow the Committee to consider it at its sixteenth session, to be held from 28 April to 16 May 1997.

241. The Committee strongly recommends that the specific information requested above be presented to the Committee at its sixteenth session by an expert delegation.

242. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

PORTUGAL (MACAU)

243. At its 31st to 33rd meetings on 20 and 21 November 1996, the Committee considered the second periodic report of Portugal relating to Macau on

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9/ Ibid.

articles 1 to 15 of the Covenant (E/1990/6/Add.8), as well as the written replies to the additional questions drawn up by the pre-sessional working group, and, at its 54th meeting on 5 December 1996, adopted the following concluding observations.

A. Introduction

244. The Committee expresses its appreciation to the State party for the report and the written replies to the list of issues, as well as for the open dialogue conducted between Committee members and the large delegation from Macau.

245. The Committee notes, however, that the report and the written replies were not prepared in a manner which enabled the Committee to evaluate adequately the enjoyment of economic, social and cultural rights in Macau.

B. Positive aspects

246. The Committee appreciates the efforts being made by the Portuguese Government to secure from the Government of the People's Republic of China all possible guarantees regarding respect for the provisions of the International Covenant on Economic, Social and Cultural Rights in the Territory of Macau after 1999. The Committee notes the enactment of article 40 of the Basic Law of the Macau Special Administrative Region, which prescribes that the precepts of the Covenant, which are applicable to Macau, will continue to apply and shall be implemented through legislation enacted by the Macau Special Administrative Region. The Committee hopes that the ongoing discussions between the Portuguese Government and the Chinese Government through the Sino-Portuguese Joint Liaison Group will lead to a continuation of the reporting practice under articles 16 and 17 of the Covenant beyond 1999.

247. The Committee notes with satisfaction that the Covenant was published on 31 December 1992 in Macau's Official Gazette in both official languages (Portuguese and Chinese) and also that its contents have been disseminated in the Administrative Region.

248. The Committee notes that, in January 1993, the Portuguese Government gave the Chinese language (Cantonese) an official status comparable to that of Portuguese.

249. The Committee welcomes the efforts undertaken by the State party to extend coverage of social security, in particular in the private sector, as stated in Decree-Law No. 58/93/M, which came into force in January 1994.

C. Factors and difficulties impeding the implementation of the Covenant

250. The Committee notes that prevailing Chinese traditions, namely of avoiding direct confrontations and strikes in favour of personal or family ties, have not been conducive to the application of the laws concerning the right to collective bargaining and the right to strike.

D. Principal subjects of concern

251. The Committee notes with concern that labour regulations are not enforced effectively in Macau, resulting in workers having to work under unfavourable and repressive conditions without access to legal recourse. Protective measures on working conditions and social security for non-resident workers are still lacking. Measures protecting the right to strike, the right to organize trade unions and the right to collective bargaining are also lacking.

252. The Committee is concerned that the majority of the population is not familiar with the judicial system of the Territory, and that insufficient measures have been adopted to ensure that the principles and provisions of the Covenant are made widely known to the population.

253. The Committee, bearing in mind that China does not recognize dual nationality, expresses concern that residents of Macau, including civil servants who hold Portuguese passports, may not be able to stay in Macau after 1999.

254. The Committee notes with concern that no special programme exists to help the physically and mentally disabled to facilitate their access to employment, education and public facilities.

255. The Committee expresses concern that non-resident workers are not covered by the social security system.

256. Although Chinese constitute about 95 per cent of the population in Macau, the requirements for the civil service effectively exclude many persons of Chinese origin who cannot satisfy the condition of being "local" because they lack a necessary language or other qualifications or for other reasons which cannot be overcome in a short time. The Committee therefore considers it necessary to incorporate persons of Chinese origin into the civil service in order to facilitate a smooth transmission of administration to China.

257. The Committee is further concerned that the Territory does not have a procedure for the determination of minimum wages.

E. Suggestions and recommendations

258. The Committee takes note of the readiness of the State party to provide it with additional information in response to the concerns expressed in the course of the discussion and recommends that, in its replies, the State party pay particular attention to the issue of family reunification and to the legislative provisions safeguarding the principles of ILO Conventions No. 103 (Maternity Protection Convention (Revised), 1952) and No. 138 (Minimum Age Convention, 1973) and their practical application.

259. The Committee recommends that appropriate measures be taken to secure the economic, social and cultural rights of disabled persons, particularly through funding for special programmes aimed at helping the physically and mentally disabled to gain better access to employment, education and public facilities.

260. The Committee recommends, in view of the lack of sufficient information provided by the State party with respect to article 10 of the Covenant, that detailed information be provided on measures taken to implement the provisions of that article. In that connection, the attention of the State party is drawn to the relevant parts of the Committee's revised guidelines regarding the form and contents of reports to be submitted by States parties. 10/

261. The Committee urges the Portuguese Administration to take affirmative steps to facilitate the integration of persons of Chinese origin into the placement programme of the civil service.

262. The Committee urges the Portuguese Administration to promote appropriate policies to facilitate the right to form labour unions, the right to engage in collective bargaining and the right to strike, so as to fill the gap between domestic law and the Covenant.

263. The Committee also urges the enactment of legislation on the right to social security so as to ensure full compliance with the requirements of the Covenant, and recommends that the State party extend the coverage of social security to non-resident workers.

264. The Committee urges the Portuguese Administration to make more efforts to disseminate the Covenant within the civil society.

265. The Committee welcomes the statement by the State party that measures will be taken to develop information and awareness programmes on the judicial system of the Territory and on the principles and provisions of the Covenant in the various languages spoken in Macau. Additionally, the Committee recommends that comprehensive human rights training be provided to all segments of the population, including law enforcement officers and all persons involved in the administration of justice.

266. The Committee strongly urges the Portuguese Administration to take all necessary measures to ensure that the reports required under the Covenant are submitted after 1999.

267. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

BELARUS

268. The Committee considered the third periodic report of Belarus on articles 1 to 15 of the Covenant (E/1994/104/Add.6) at its 34th to 36th meetings on 21 and 22 November 1996 and, at its 54th meeting on 5 December 1996, adopted the following concluding observations.

A. Introduction

269. The Committee is gratified that the State party punctually submitted its third periodic report, which complied with the Committee's guidelines

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10/ See footnote 2 above.

regarding the form and contents of reports. It appreciates also the additional written information provided in response to its list of issues, although the latter information did not follow a sufficiently clear format. The Committee welcomes the high level of the delegation representing the State party, with which it engaged in an open and constructive dialogue. With some exceptions, the members of the delegation provided satisfactory oral replies to most of the Committee's questions.

B. Positive aspects

270. The Committee welcomes efforts by the State party to improve and update its legislation and to bring it into line with the socio-economic sphere. In particular, it regards as positive developments the steps taken to update the Labour Code, the Act on collective agreements and work agreements, the Act on pension provision, the Act on employment and the Act on procedure for the settling of labour disputes, as well as the authorities' dialogue on these questions with experts from the International Labour Organization.

271. The Committee notes that the Government is taking steps to combat unemployment, inter alia by setting up and boosting the efficiency of a State employment service and a vocational training and retraining scheme, and by drawing up yearly government employment programmes to aid the unemployed in finding work and offer them material support.

272. The Committee notes the State party's efforts to cope with the aftermath of the accident at the Chernobyl nuclear power station, including the provision of medical assistance to those directly affected and welfare measures for those who were in the vicinity at the time of the accident.

273. The Committee also notes efforts by the Belarusian authorities to incorporate human rights issues in school curricula and teacher-training schedules, and the corresponding segments and specialized courses in vocational training, retraining and further education programmes for professionals of all categories. It also notes with satisfaction the establishment of a Human Rights Chair at the Academy of the Belarusian Ministry of Internal Affairs.

274. The Committee welcomes the statement by the head of the Belarusian delegation that his Government endorsed the idea of an optional protocol to the International Covenant on Economic, Social and Cultural Rights establishing a formal complaints procedure for alleged violations of the Covenant.

275. The Committee is gratified that the third periodic report of Belarus has been issued as a pamphlet and sent to libraries, the mass media and non-governmental organizations in the State party.

C. Factors and difficulties impeding the implementation of the Covenant

276. The Committee notes that Belarus is undergoing rapid changes in its development and is experiencing the sort of difficulties in socio-economic matters that are typical in many countries with economies in transition.

The dissolution of the Soviet Union has adversely affected the Belarusian economy, especially its industry, large parts of which were closely linked to and dependent on the economies of other republics of the former USSR.

277. Escape from economic crisis is rendered more difficult by the fact that Belarus, with few natural and energy resources of its own, is heavily dependent on raw materials and energy from elsewhere. Rising energy costs have directly affected prices for basic necessities and food.

278. The clean-up after the accident at the Chernobyl nuclear power station is said to absorb up to 20 per cent of the annual budget. International donors and investors have withheld their aid or investments pending the introduction of legal and economic reforms. Many of the country's present economic and social difficulties show the need to expedite economic reforms and to build up democratic institutions based on the principles of the rule of law.

D. Principal subjects of concern

279. The Committee observes that the establishment of a regime that concentrates power in the presidency at the expense of the independent role of the Parliament and the independence of the judiciary is not consistent with the political environment necessary for the exercise of human rights, including economic, social and cultural rights.

280. The Committee expresses its deep concern at the growing number of people in Belarus living at or below the poverty line, the sharp decline in purchasing power and the widening gulf between rich and poor, with the poorest segments of the population having extremely low incomes.

281. The Committee also expresses concern that crime, drug use and corruption are on the increase.

282. The Committee is concerned that some 600,000 children still live in the zone affected by the accident at the Chernobyl nuclear power station.

283. The Committee is concerned at the rise in unemployment, particularly in relation to its disproportionate impact on women. It is also concerned at the discrimination against women in appointment to jobs.

284. The Committee is disturbed at the legal status of trade unions in Belarus, particularly the shortcomings of the legislation regulating their activities and the existence of certain legislative provisions which restrict freedom of association. It notes with concern that a number of formerly recognized major trade unions, all of which have been required to register again under the new legislation, appear to have been prevented from applying for re-registration with the Ministry of Justice.

285. The Committee expresses its preoccupation at the fact that the report contains no information on treatment of persons infected with HIV/AIDS. The delegation's assurance that there exists sexual counselling for men as well as for pregnant women does not eliminate the Committee's concern that such services are inadequate.

286. Although the Committee notes the Government's assurance that sufficient detoxification and rehabilitation centres for drug and alcohol addicts have been created, it remains concerned that what is being done in this area does not appear to be sufficient to meet the needs that exist.

E. Suggestions and recommendations

287. The Committee is gratified that article 8 of the Belarusian Constitution acknowledges the primacy of principles of international law and requires national legislation to conform to those principles. The Committee, taking note of the acknowledgement by the delegation that Belarusian legislation needs to be reviewed to bring it into conformity with the Covenant, recommends that the necessary measures be taken as soon as possible and that the human rights legislation to be enacted in Belarus should closely match internationally acknowledged standards.

288. The Committee emphasizes that any economic reform adopted should be undertaken in a manner that is consistent with protection of the economic and social rights of the poorer segments of society.

289. The Committee draws the Government's attention to the need to update the legislation governing the freedom of activity of trade unions and the need for legislation on the right to strike. Such legislation should accord with the provisions of the Covenant and with ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948) and No. 98 (Right to Organize and Collective Bargaining Convention, 1949). The Committee urges that consideration be given to limiting the number of sectors in which workers do not have the right to strike to no more than those authorized by relevant international standards, such as the armed forces, the police, etc.

290. The Committee also calls upon the Government to adopt legislation and practical steps to combat discrimination against women in employment.

291. The Committee notes the need for the State party to respond to the challenge of HIV/AIDS with adequate new legislative and social measures. In this connection, it would be appropriate if the Government coordinated with the relevant departments of the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS). The Committee requests the Government to provide, in its fourth periodic report, relevant statistics and information on concrete measures undertaken in that respect since the consideration of the third report.

292. The Committee requests the State party, in its fourth periodic report, to supply information on the steps it is taking to raise the standard of living, reduce unemployment and eliminate the restrictive legislation governing trade unions.

293. The Committee recommends that the Government increase its efforts in relation to human rights education so as to ensure that all categories of students, teachers, judges, the police and other law enforcement agents are covered.

294. The Committee calls upon the State party to consider the adoption of measures which would enable the courts to take account of and apply the rights recognized in the International Covenant on Economic, Social and Cultural Rights.

295. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's third periodic report.

FINLAND

296. The Committee considered the third periodic report of Finland on articles 1 to 15 of the Covenant (E/1994/104/Add.7) at its 37th, 38th and 40th meetings on 25 and 26 November 1996 and, at its 51st meeting on 4 December 1996, adopted the following concluding observations.

A. Introduction

297. The Committee expresses its appreciation to the Government of Finland for its report, which follows the Committee's guidelines regarding the form and contents of States parties' reports. The Committee welcomes the submission by Finland of comprehensive written answers to its list of issues and expresses its satisfaction at the frank and constructive dialogue established with the State party, through a delegation composed of experts. The Committee also notes with satisfaction the information submitted by the Government in a core document (HRI/CORE/1/Add.59/Rev.1), as well as the additional information on the implementation of articles 13 to 15 of the Covenant (E/1989/5/Add.10) submitted in response to the Committee's request after the consideration of the second periodic report of Finland in December 1991.

B. Positive aspects

298. The Committee notes the generally high level of achievement by Finland of its obligations in respect of the protection of the rights set forth in the Covenant. In this regard, the Committee expresses its appreciation of the recent amendments which have been incorporated in the Constitution concerning the protection of certain economic, social and cultural rights of all persons under the State party's jurisdiction. The Committee also notes with satisfaction the existence and the activities of the Advisory Board on Human Rights Affairs, composed of representatives of various human rights organizations and of several ministries, and of the Parliamentary Ombudsman, who has competence in the field of human rights.

299. The Committee welcomes the measures taken to promote equality between men and women, such as the establishment of the Council for Equality, the Equality Ombudsman and the recent adoption of legislation requiring at least 40 per cent representation of both sexes in Government-appointed bodies at the national and local levels.

300. The Committee also welcomes the Government's policies and programmes aimed at creating new jobs and at helping the unemployed to join or return to the labour force, through vocational training programmes, particularly those aimed at young people.

301. The Committee notes with satisfaction the measures taken to protect and shelter victims of domestic violence, in particular the activities deployed in this respect by the Government-subsidized Union of Shelter Homes. The Committee also welcomes the recent criminalization of marital rape as a means to combat the phenomenon of violence against women.

302. The Committee notes with satisfaction the measures aimed at promoting the teaching of the Roma and Saami languages in schools and welcomes the possibility provided to the elected representatives of the Saami people to address the Parliament on issues affecting their interests.

303. The Committee notes that, despite difficulties due to the economic recession, Finland regularly contributes, although at a reduced level, to programmes of international cooperation, thus potentially promoting the realization of economic, social and cultural rights in other countries.

C. Factors and difficulties impeding the implementation of the Covenant

304. The Committee notes that the economic recession facing Finland and the policies adopted to meet the convergence criteria for participating in the European economic and monetary union have had significant consequences for the enjoyment of economic, social and cultural rights by the Finnish population as a whole, and by vulnerable social groups in particular. In this regard, the Committee notes that the recent budgetary cuts in social expenditure, as well as economic restructuring and the decentralization of social service arrangements, are factors which may affect the full implementation of the provisions of the Covenant. However, the Committee notes the Government's view that European Union membership has been a useful instrument towards fulfilling its economic policy goals, including those aimed at fighting unemployment.

D. Principal subjects of concern

305. The Committee notes that, although the provisions of the Covenant may be directly invoked before the courts or referred to by the courts, this has not yet been the case. In this respect, the Committee expresses concern that lawyers and judges may not be sufficiently aware of the rights enshrined in the Covenant.

306. The Committee is concerned that, although equality between men and women is established in the law, it is not fully achieved in practice, in particular in relation to equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

307. While it notes with satisfaction the recent decrease in the percentage of the population who are unemployed, the Committee is still concerned that the level of unemployment remains high, especially among young people, immigrants and refugees.

308. Although it notes that collective agreements in some sectors of professional activity contain provisions for the determination of minimum wages, the Committee is concerned that no minimum wage is guaranteed by law.

309. The Committee expresses its concern that the major cuts in social security and other welfare expenditures have reduced the disposable incomes of single parents and young families with children, affected the situation of persons without regular income under the Sickness Insurance Act, and led to the cessation of adjustments to pensions and unemployment benefits.

310. The Committee expresses its concern at reports that members of the Roma minority have been discriminated against when decisions have been taken by some authorities in respect of the allocation of publicly-owned dwellings.

311. The Committee regrets the lack of official statistical data and other information with regard to problems such as domestic violence, child abuse, child pornography, child and adolescent suicide and alcohol abuse (the latter also affecting children and adolescents), which prevents both the authorities and the Committee from ascertaining the real extent of these problems.

312. The Committee expresses its concern at the recent increase in the school drop-out rate, which particularly affects children from economically disadvantaged groups and children belonging to minorities.

E. Suggestions and recommendations

313. The Committee recommends that specifically targeted training programmes be launched by the authorities to increase the awareness of judges and lawyers of the rights enshrined in the Covenant.

314. The Committee recommends that the Government intensify its efforts to ensure that equality between men and women, in particular with regard to employment and salary matters, is effective in practice.

315. The Committee urges that consideration be given to enacting legislation providing for minimum wages, and their periodic adjustment, so that protection is ensured also to workers who are not protected by sectoral collective agreements.

316. The Committee encourages the Government to take adequate measures to ensure that the reduction of budgetary allocations for social welfare programmes does not result in the violation of the State party's obligations under the Covenant. The Committee particularly lays emphasis on the need to protect the rights of socially vulnerable groups, such as young families with children, refugees and elderly or unemployed persons.

317. The Committee draws the attention of the authorities to the need to eliminate discrimination of any kind in the exercise of the rights set forth in the Covenant, especially the right to housing.

318. The Committee encourages the Government to continue its efforts to combat the problems of alcoholism, domestic violence, child and adolescent suicide and child abuse and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of such problems. The Committee particularly draws the attention of the authorities to the importance to be given to detection

measures and preventive policies. It also stresses the need to ensure that specific and appropriate penal legislation is enacted and applied in order to combat child abuse and child pornography.

319. The Committee also draws the attention of the State party to the emerging problem of school drop-out, which mainly affects children from vulnerable social groups, such as economically disadvantaged children and children belonging to minorities. In this regard, the Committee recommends that specific measures be taken to ensure that these children can complete their studies to the extent of their academic capacities.

320. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remain unanswered, be addressed in the State party's fourth periodic report.

321. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's third periodic report.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (HONG KONG)

322. The Committee considered the third periodic report of the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong on articles 1 to 15 of the Covenant (E/1994/104/Add.10) at its 39th, 41st, 42nd and 44th meetings on 26, 27 and 28 November 1996 and, at its 55th meeting on 6 December 1996, adopted the following concluding observations.

A. Introduction

323. The Committee notes with satisfaction that the report submitted by the State party was prepared in accordance with the Committee's guidelines. It welcomes the large and high-level delegation composed of representatives from the United Kingdom and from Hong Kong. The information submitted in the report and that provided by the delegation in reply to both written and oral questions enabled the Committee to obtain a broad view of the extent of the State party's compliance with its obligations under the Covenant. The Committee also expresses its appreciation for the written replies to its list of issues. The Committee notes with satisfaction that this information enabled it to engage in a constructive dialogue with the State party, particularly concerning the applicable law. However, it is regretted that a number of the Committee's questions relating to reports of what happens in practice were not answered.

324. The Committee also welcomes the presence of a significant number of non-governmental organizations from Hong Kong. The information provided by these organizations greatly assisted the Committee in its understanding of the human rights situation in Hong Kong.

B. Positive aspects

325. The Committee notes with satisfaction that both the Sino-British Joint Declaration and the Basic Law affirm that the Covenant will continue to apply to Hong Kong after the resumption of sovereignty over the Territory by the People's Republic of China on 1 July 1997.

326. The Committee notes that the Government of Hong Kong has established conditions for a high level of economic prosperity.

327. The Committee welcomes the fact that non-governmental organizations, members of the Legislative Council and other interested parties have had an opportunity to contribute their comments on topics included in the report. The Committee lauds efforts made by the Hong Kong Government to promote public awareness of the Covenant, and to make available to the public at large a substantial number of copies of the report, in English and Chinese, both in printed form and on the Internet.

328. The Committee welcomes the enactment of the Sex Discrimination Ordinance and the Disability Discrimination Ordinance, in July and August 1995, respectively. It also notes with interest the establishment of the Equal Opportunities Commission in May 1996.

329. The Committee notes that the housing policy of the Government of Hong Kong endeavours to elaborate a long-term programme for public housing construction and to encourage private-sector housing construction so as to make adequate and affordable housing available to all residents of Hong Kong.

C. Factors and difficulties impeding the implementation of the Covenant

330. The Committee notes that the uncertainties arising from the resumption of sovereignty over Hong Kong by China have clearly caused some difficulties for the Hong Kong Government in undertaking measures to its maximum capacity towards the promotion and protection of the economic, social and cultural rights of its constituents.

331. The Committee notes that constraints arising from limited habitable land in Hong Kong and from the significant influx of immigrants into the Territory may result in difficulties in implementing certain articles of the Covenant. However, it is also noted that Hong Kong has considerable resources at its disposal to overcome most problems posed by these obstacles.

332. The Committee notes that, while the Government of Hong Kong has established conditions for a high level of economic prosperity, while the latest figures show a gross domestic product per capita in Hong Kong of US$ 23,500, the fourth highest in the world, and while the Hong Kong Government has accumulated reserves, as of March 1996, of US$ 20 billion, Hong Kong has one of the most uneven distributions of income in the world: 20 per cent of the population hold 50 per cent of the national wealth, but 250,000 households, i.e. 11 per cent of the population, live in absolute poverty and 850,000 citizens live below the poverty line.

D. Principal subjects of concern

333. The Committee deeply regrets that the recommendations formulated in the concluding observations adopted at its eleventh session in 1994 11/ have largely been ignored by the Hong Kong Government.

334. The Committee is concerned that the modalities for the continued submission of reports by Hong Kong after the resumption of sovereignty by China are still at the stage of negotiation and have not been resolved to date.

335. The Committee expresses its disappointment that the principal subjects of concern listed in its concluding observations in 1994 remain unresolved. The Committee reiterates its serious concern on the following issues:

(a) The provisions of the International Covenant on Economic, Social and Cultural Rights continue to be excluded from the domestic law of Hong Kong, which already incorporates the provisions of the International Covenant on Civil and Political Rights;

(b) The level of awareness among the judiciary of international human rights law in general and of the International Covenant on Economic, Social and Cultural Rights in particular remains low;

(c) The Hong Kong Government continues to object to the establishment of a human rights commission;

(d) The number of split families continues to grow at an alarming rate;

(e) The treatment of Vietnamese refugees in Hong Kong, particularly those who refuse repatriation to Viet Nam, is repressive and discriminatory;

(f) The "two-week rule" imposed on foreign domestic helpers upon expiration of their contract continues to hinder their enjoyment of economic, social and cultural rights;

(g) The phenomenon of subhuman "cage homes" remains a blight;

(h) The level of social security payments available to the elderly does not allow them to enjoy their rights under the Covenant.

336. The Committee is concerned that the Sex Discrimination Ordinance does not protect those individuals whose right to work is violated by inappropriate account being taken of their sex lives. The Committee further considers it a serious matter that women above the age of 30 suffer discrimination in employment.

337. The Committee regrets the "step-by-step" approach according to which legislation for the protection of vulnerable minorities is adopted primarily on the basis of public-opinion surveys, i.e. on the basis of majority views.

11/ See E/1995/22, paras. 264-266 and 281-304.

338. The Committee is concerned that the principle of equal pay for work of equal value as elaborated in the non-binding Code of Practice of the Sex Discrimination Ordinance has not been reflected in Hong Kong labour law, thus giving rise to discrimination against women.

339. The Committee expresses its concern regarding the unfavourable status of Hong Kong residents who possess British Overseas residence, but who are not entitled to citizenship of any British territory after 1997 although they are allowed to reside in Hong Kong under Chinese law even if they are not Chinese citizens.

340. The Committee is concerned that, in the field of employment, the Sex Discrimination Ordinance provides relatively insufficient remedies owing to the absence of provisions on reinstatement and full-recovery compensation, whereas both of these remedies are foreseen in the Disability Discrimination Ordinance.

341. The Committee expresses its concern about the extent of unemployment or underemployment as a result of rapid economic restructuring. In this connection, the Committee is particularly concerned about the significant numbers of women who are thereby forced out of the labour force and must sometimes resort to precarious activities.

342. The Committee is concerned that Hong Kong labour legislation does not provide protection against unfair dismissal and does not provide for a limitation on hours of work, for a paid weekly rest period or for compulsory overtime pay. This situation is a major hindrance to the enjoyment of just and favourable conditions of work.

343. The Committee expresses its concern that trade-union rights are unduly restricted in Hong Kong. In particular, the Committee is of the view that restrictions applied to affiliation with international trade-union organizations, the prohibition on the formation of federations of trade unions from different industries, and the legal right of employers to dismiss persons involved in strike activities are incompatible with the Covenant.

344. The Committee expresses its deep concern that there is no comprehensive mandatory old-age social security scheme in Hong Kong and that approximately 60 per cent of the population is not protected by any public or private pension plan.

345. The Committee expresses its concern that large numbers of individuals and families who are eligible for comprehensive social security assistance (CSSA) do not apply for it, either because they are not aware of CSSA, because they fear the cultural stigma attached to the concept of welfare assistance, or because they are discouraged from applying by certain practices of the authorities which are not in conformity with Hong Kong law, such as the requirement of children's consent before parents may receive CSSA benefits.

346. The Committee is concerned that CSSA recipients are not granted reimbursement for expenses for traditional medicine, given the fact that Hong Kong residents frequently use traditional medicine and that Hong Kong courts grant such reimbursements in civil liability actions.

347. The Committee reiterates its deep concern at the growing number of split families in Hong Kong. The Committee is of the view that the Hong Kong Government has an obligation to ensure that the criteria applied in deciding on those eligible for legal migration into Hong Kong are consistent with the provisions of the Covenant.

348. The Committee expresses its concern at the absence of a holistic policy for the protection of children from all forms of abuse.

349. The Committee is deeply concerned that the standard of living of elderly singletons in the lowest 20 per cent income group who are not receiving CSSA is lower than that of CSSA recipients. The Committee notes that many of these singletons live in substandard accommodation.

350. The Committee regrets that the Hong Kong Government has not given any clear indication of a time-frame within which it expects to eradicate the deplorable phenomenon of "cage homes". Tne Committee is particularly concerned about the inadequate conditions of the housing offered by the Hong Kong Government to new immigrants from China, resulting in many of them living in deplorable conditions.

351. The Committee expresses its concern at the inadequate care and protection of the mentally ill and disabled in Hong Kong. In particular, the Committee notes with concern the apparent lack of initiative on the part of the Hong Kong Government to undertake public education to combat discrimination against those with mental disabilities.

352. The Committee takes note with concern that, while the Hong Kong Government has adopted an educational policy in relation to children of immigrant families from China, it has not made sufficient efforts to ensure school placements for these children and to protect them from discrimination.

E. Suggestions and recommendations

353. In the light of the terms of the Sino-British Joint Declaration and the recent practice of United Nations human rights treaty bodies, the Committee is of the firm view that, following the resumption of sovereignty over Hong Kong by the People's Republic of China, the People's Republic of China is under an obligation not only to ensure the enjoyment in the Hong Kong Special Administrative Region of the rights guaranteed by the Covenant, but also to submit reports pursuant to article 16 of the Covenant. The Committee therefore considers that it is competent to examine the implementation of the Covenant after 1 July 1997 on the basis of reports or such other material as will be before the Committee, and reiterates its willingness to receive reports in respect of the Hong Kong Special Administrative Region from the People's Republic of China or, if the authorities so decide, directly from the Hong Kong Special Administrative Region. The Committee encourages all parties concerned to work out as soon as possible the modalities of submitting such reports and to inform the Committee of those modalities. The Committee is convinced, however, that the best way to resolve this issue would be for the People's Republic of China itself to become a party to the International Covenant on Economic, Social and Cultural Rights.

354. The Committee urges the Hong Kong Government to consider with the utmost care the Committee's suggestions and recommendations embodied in its concluding observations of 1994, as well as those that follow, and to undertake whatever relevant concrete measures may be necessary.

355. The Committee strongly urges the Hong Kong Government to take every possible measure to develop a fair and open one-way permit-approval mechanism in order to facilitate rapid family reunification.

356. The Committee recommends that the Government undertake more effective measures for the retraining of those who have lost employment or are underemployed as a result of economic restructuring.

357. The Committee urges the amendment of the Sex Discrimination Ordinance to include provisions on reinstatement in employment and to remove the current maximum amount for recovery compensation.

358. The Committee recommends that the Government lift repressive provisions and limitations in relation to trade-union federations, including the prohibition on establishing international affiliation.

359. The Committee recommends a review of government policy in relation to unfair dismissal, minimum wages, paid weekly rest time, maximum hours of work and overtime pay rates, with a view to bringing such policy into line with the obligations set forth in the Covenant.

360. The Committee strongly recommends that the Hong Kong Government consider again the adoption of a universal, comprehensive retirement-protection scheme which seeks to ensure that disadvantaged groups are accorded full access to social security.

361. The Committee reiterates in the strongest possible terms its recommendation that the Hong Kong Government undertake, as a matter of high priority, the total eradication of "cage homes".

362. The Committee urges the Hong Kong Government to review the seven-year residence rule applied before providing housing to immigrant families from China, with a view to ensuring their right to adequate housing.

363. The Committee requests that, within 45 days, it receive a comprehensive response to its inquiry regarding three Vietnamese refugees who were denied medical and dental treatment, mainly for refusing to return voluntarily to Viet Nam.

364. The Committee strongly recommends that the Hong Kong Government review the situation concerning persons with mental illness and disability to ensure that their rights under the Covenant are fully protected.

365. The Committee recommends that measures to integrate children of immigrant families from China into the general education system be implemented with maximum possible attention from government authorities.

366. The Committee recommends that these concluding observations be made widely available in English and Chinese in Hong Kong and that copies be provided by the Government to all members of the judiciary and to the relevant echelons of the public service.

Chapter V

DAY OF GENERAL DISCUSSION

Thirteenth, fourteenth and fifteenth sessions

Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, as recommended by the World Conference on Human Rights

367. The Committee devoted its day of general discussion at its thirteenth session (4 December 1995), 12/ fourteenth session (13 May 1996) 13/ and fifteenth session (2 December 1996) 14/ to further consideration of the draft optional protocol which would provide for communications to be received in relation to alleged violations of the Covenant. At its fifteenth session, the Committee also considered this issue under agenda item 3 (Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights) on 28 and 29 November and 3 and 5 December 1996. 15/

368. At its fifteenth session, the Committee adopted its final report on the draft optional protocol (E/CN.4/1997/105, annex) and, in accordance with Commission on Human Rights resolution 1996/16, paragraph 10, submitted it to the Commission for consideration at its fifty-third session, in 1997. The report is reproduced in annex IV below.

12/ See E/C.12/1995/SR.50.

13/ See E/C.12/1996/SR.19-20.

14/ See E/C.12/1996/SR.47-48.

15/ See E/C.12/1996/SR.43, 45, 46/Add.1, 49 and 54/Add.1.

Chapter VI

REVIEW OF METHODS OF WORK OF THE COMMITTEE

A. Decisions adopted by the Committee at its fourteenth session

Annual report

369. The Committee discussed several ways in which the presentation of its annual report might be improved. It agreed on several elements to be incorporated in the report, including a brief introduction of one page or less outlining the mandate of the Committee and the nature of its work and providing an indication of how the reader could make effective use of the report. In addition, the Committee agreed that it would henceforth make use of a "resolution style" format for addressing selected issues in relation to which it requests action by the Secretariat or another body. The reason for moving to this format is to give greater prominence to the Committee's major concerns and to enable a more systematic explanation to be given of the underlying concerns leading to a particular request or recommendation. Such a format is also appropriate because it is the one to which the Secretariat and Governments are best able to relate. The Committee also requests the Secretariat to endeavour to publish the report in a more readable typeface (e.g. a true-type font rather than Courier), which would not only make the report more attractive and less "bureaucratic" in nature, but also lead to considerable savings of space.

Optional protocol

370. The Committee devoted its day of general discussion to further consideration of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights which would provide for communications to be received in relation to alleged violations of the Covenant. It decided that it would conclude its deliberations on this matter at its fifteenth session with a view to submitting a final report to the Commission on Human Rights immediately thereafter. For this purpose, it set aside five meetings at its fifteenth session. It decided that members of the Committee should forward any additional comments they might have to Mr. Philip Alston so that he might reflect them, together with the issues discussed in the Committee's deliberations to date, in a revised version of his report. That report should also identify the principal choices confronting the Committee in relation to key issues.

Follow-up

371. The Committee agreed that in future it would adopt a more systematic approach to following up the various conclusions which it reaches. For that purpose, it requested its Chairperson to prepare a brief document indicating the follow-up measures taken in response to specific recommendations made by the Committee at its previous sessions which relate to matters other than States parties' reports. It also requested the Secretariat to prepare a document, along the same lines as that prepared for the Committee on the Rights of the Child, recalling any outstanding requests addressed by the Committee in its concluding observations to States parties or other entities.

Pre-sessional working group

372. The Committee decided to invite representatives of the specialized agencies to attend the first meeting of each of its pre-sessional working groups with a view to enabling them to provide information, in private session, of a more precise and country-specific nature. It agreed that, in order to begin this practice, agencies should be notified immediately of the States to be considered by the pre-sessional working group to be held in December 1996. The Committee also agreed to invite non-governmental organizations to attend the second meeting of its working groups and requests the Secretariat to notify NGOs as widely as possible of this opportunity. In this regard, the Committee recalls its earlier request that the Secretariat send copies of reports awaiting consideration to a range of national-level NGOs in each of the countries whose reports are pending. It requests the Secretariat to provide the Chairperson with a list of the NGOs to which the reports have been sent and to do so at least two months prior to each session.

Consideration of revised reporting procedures

373. The Committee discussed ways of enhancing the effectiveness of the reporting process. It took note of a proposal according to which the existing approach to the examination of States parties' reports would be significantly altered. In essence, the proposal involves the maintenance of comprehensive initial reports by States parties but the elimination of subsequent comprehensive periodic reports, which to date have been required to address all the issues identified in the reporting guidelines. In place of these periodic reports the Committee's pre-sessional working group would, on the basis of all available sources of information, identify a limited number of specific issues in relation to which a report would be requested from the State party concerned. It would then be on the basis of that detailed report that the Committee would conduct its dialogue. Among the advantages would be a reduction in the burden imposed on States parties, a much clearer focus for the dialogue between the Committee and States parties, and a much greater capacity to focus in depth on issues of particular interest or concern. The Committee requested its Chairperson to present a written report to it at its next session outlining the ways in which such a procedure might work, without prejudice to any decisions taken by the Committee.

Staff assistance

374. The Committee recalled that it had been requesting for the past six years that it be provided with some degree of expert assistance by the Secretariat to enable it to locate, compile and process information relating to States parties' reports which would enable it to carry out its functions more effectively. It noted that economic, social and cultural rights differed significantly from the issues generally dealt with by the Secretariat and that the relevant information was both more difficult to locate and more difficult to process. The paucity of work done in this area by other United Nations bodies and by non-governmental organizations made the challenge even greater. The Committee observed with regret that there had been no tangible results flowing from its persistent requests. It was recalled, however, that a post

had been established specifically for this purpose some three years earlier but that it had never been filled with a person working for the Committee. In the meantime it had instead been used to provide temporary assistance elsewhere within the Centre for Human Rights. The Committee was informed that the post in question had recently been frozen in the context of the overall hiring freeze within the United Nations.

375. The Committee recalled that it had expressed strong views on this matter at its previous session and took note of correspondence which had been exchanged between its Chairperson and the United Nations High Commissioner for Human Rights. That correspondence is reproduced in annexes V and VI to the present report. The Committee therefore decided to request a meeting between the High Commissioner and the members of its Bureau and other interested members. This meeting took place on 13 May 1996 and the Committee expresses the hope that some action will be taken within the next six months to ensure that the lack of expertise available to it will be remedied in an appropriate manner. The Committee noted that, in the absence of the kind of expertise which it has so long requested, it is not able to carry out its functions in the most effective and efficient manner and is not able to carry out the broader responsibilities which are imposed on it as a result of its being the only expert body within the system devoted exclusively to the examination of matters relating to economic, social and cultural rights.

376. It was agreed that an indication would be provided to the High Commissioner of initiatives which might be taken in order to strengthen the capacity of the Committee to carry out its functions under the Covenant and to discharge its role as the only expert body dealing specifically with economic, social and cultural rights.

377. The Committee notes with satisfaction the work of its Secretary, Mr. A. Tikhonov. However, despite the efforts made by the Secretariat, the Committee notes that its input into the preparation of the Committee's draft concluding observations does, on occasion, fall short of expectations. This is a result of the failure to develop specialized expertise to assist the Committee and of a practice of constantly changing the individual staff members charged with assisting the Committee on a temporary basis during its sessions. As a result, the specificities of the rights dealt with in the Covenant are not adequately addressed.

Relationship with other bodies

378. The Committee notes the vital importance of seeking to develop a closer relationship with other agencies within the United Nations system which might be involved in the promotion of economic, social and cultural rights. For this purpose, it requests its Chairperson to make contact with officials of the World Bank and the United Nations Development Programme in particular, with a view to seeking to develop a better understanding of the ways in which the Committee and those bodies might collaborate more closely in the promotion of the rights recognized in the Covenant.

379. The Committee also requests that consideration be given to ensuring that economic, social and cultural rights are placed on the agenda of the Administrative Committee on Coordination with a view to encouraging closer cooperation with interested agencies.

Consideration of reports at future sessions

380. The Committee notes that there is a continuing backlog of reports awaiting its consideration and reaffirms its commitment to ensuring both that these reports are considered as expeditiously as possible and that a thorough review of the reports is undertaken to ensure that justice is done to the considerable efforts made in their preparation by States parties. It agreed that, in principle, it would consider the situation in at least one non-reporting State at each of its sessions and that, in order to facilitate this task, it would designate one of its members to take responsibility in advance for each of the next four countries on its list of non-reporting States (Honduras, Central African Republic, Saint Vincent and the Grenadines, and Solomon Islands). It also decided that specialized agencies, non-governmental organizations and all other relevant bodies would be requested to provide information relating to the situation in each of these non-reporting States.

381. The Committee also decided to ensure that its pre-sessional working group would prepare lists of issues for at least one, and preferably two, States whose reports were not scheduled to be considered at the following session. This will help to ensure that, in the event that a State scheduled to appear at the next session is not able to do so, having provided sufficient notice and received the Committee's agreement, the Committee can then schedule the next State on the list, in relation to which a list of issues will be ready and available. The Committee also decided that, in principle, it would consider five States parties' reports at each of its future sessions (two of which would normally be initial reports), as well as the situation in one non-reporting State.

Agenda item

382. The Committee decided that in future its general discussions would be conducted under a new agenda item entitled "Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights".

Reporting guidelines

383. The Committee notes that various suggestions have been made for revision of its current reporting guidelines, which were adopted in 1990. In that connection, the Committee had before it the following documents: report of the expert group meeting on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes (Geneva, 3-7 July 1995) (E/CN.4/1996/105, annex); a paper prepared by the Division for the Advancement of Women of the United Nations Department for Policy Coordination and Sustainable Development on the incorporation of a gender perspective into the work of the United Nations human rights regime; and the report of the sixth meeting of persons chairing the human rights treaty bodies (A/50/505, annex). In addition, the Committee had before it two

documents prepared by the Secretariat on the implications for the Committee's work of the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Beijing Declaration and Platform for Action of the Fourth World Conference on Women, and the recommendations on gender perspectives adopted by the sixth meeting of persons chairing the human rights treaty bodies (ibid., paras. 34-35).

384. The Committee requested its Rapporteur, Ms. Virginia Bonoan-Dandan, in cooperation with Ms. María de los Angeles Jiménez Butragueño, to undertake an initial review of the desirability of such a revision. They were asked to take particular account of the implications to be drawn from the programmes adopted by the Beijing, Copenhagen, Cairo and other relevant international conferences, as well as the consequences of the various general comments adopted by the Committee since 1989. It was agreed that Ms. Bonoan-Dandan and Ms. Jiménez Butragueño would subsequently consult with Mr. Bruno Simma, who was principally responsible for the initial draft of the current reporting guidelines, before making a specific set of proposals to the Committee at its fifteenth session.

Meeting of special rapporteurs and thematic mechanisms

385. The Committee requested the United Nations High Commissioner for Human Rights to arrange for an invitation to the Committee to nominate one of its members to participate in the next meeting of special rapporteurs and thematic mechanisms. The Committee feels that it would be very useful on both sides if a discussion could take place as to the most appropriate and productive means by which economic, social and cultural rights could be reflected in the work of these different mechanisms. It considers that the best way of achieving this greater interaction and better understanding is through an open discussion in the context of the regular meeting of special rapporteurs and thematic mechanisms.

Advisory services and technical cooperation provided by the Centre for Human Rights to States parties to the Covenant

386. At the Committee's 7th meeting on 3 May 1996, Mr. J. Benomar, Chief of Advisory Services in the Centre for Human Rights, provided the Committee with a brief overview of advisory services and technical cooperation in Guatemala and El Salvador, two of the States parties whose initial reports were scheduled for consideration at the fourteenth session. In response to a question about the incorporation of a gender perspective in technical cooperation projects, Mr. Benomar indicated that a committee of staff had been formed to ensure the presence of such a perspective in all projects which are proposed and that various specialized agencies and United Nations organs, such as ILO and UNDP, were consulted in order to take advantage of their experience in this area.

387. As a follow-up to its mission to Panama in 1995, the Committee raised questions about technical cooperation projects in that country. In particular, the Committee was interested in whether an Ombudsman's Office had

been created, as had been proposed during its mission. Mr. Benomar indicated that the Government of Panama had followed the recommendation and created an Office of the Defensor del Pueblo (Ombudsman). A new request had recently been received from the Government regarding human rights training for law enforcement officers.

388. Mr. Benomar also indicated that a needs-assessment mission was carried out in El Salvador by the Centre for Human Rights in September 1995, on the basis of a request from the Government. Two projects were developed and proposed to the Government, which had yet to respond to the Centre's proposal.

B. Decisions adopted by the Committee at its fifteenth session

Programme of action for the Committee on Economic, Social and Cultural Rights

389. The Committee takes note of the various formal and informal discussions that have been held in relation to the preparation of a programme of action for the Committee on Economic, Social and Cultural Rights. It recognizes the importance of adopting a comprehensive programme to be forwarded to the United Nations High Commissioner for Human Rights for consideration by all the relevant bodies within the human rights domain. At its fifteenth session, the Committee authorized its Chairperson to draw up such a programme of action, taking full account of its discussions at successive sessions and encompassing the full range of measures necessary to ensure that adequate attention is given to the commitment to promote respect for the International Covenant on Economic, Social and Cultural Rights and to the central role to be played in that regard by the Committee on Economic, Social and Cultural Rights. It decided that the programme of action should be completed immediately after its fifteenth session and included in its report to the Economic and Social Council (see annex VII).

Special rapporteur on economic, social and cultural rights

390. The Committee recommends that the Commission on Human Rights, at its fifty-third session, give consideration to the appointment of a special rapporteur on economic, social and cultural rights. The Committee notes that, while there are a large number of thematic and related mechanisms dealing with different aspects of civil and political rights, there is none dealing solely with the economic, social and cultural rights recognized in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, despite the acknowledged interdependence, indivisibility and interrelatedness of the two sets of rights.

Matters for special attention

391. The Committee took note of a wide range of correspondence, documentation and other materials provided to it by various sources in relation to its work and decided that letters should be sent by its Chairperson to the Governments of Canada, Colombia, Honduras, Israel, Nigeria and Switzerland in relation to those matters identified by the Committee as warranting special attention.

Draft optional protocol

392. The Committee devoted several meetings at its fifteenth session to consideration of a further report prepared at its request by Mr. Philip Alston on the question of a draft optional protocol to the Covenant (see para. 367 above). At its 55th meeting on 6 December 1996, it adopted its final report on this issue (E/CN.4/1997/105, annex) and submitted it to the Commission on Human Rights for consideration at its fifty-third session. The report is reproduced in annex IV below.

Revision of annual report

393. The Committee requested its Chairperson to revise and update the chapter of its annual report entitled "Overview of the present working methods of the Committee" so as to reflect the changes in its current procedures. A brief section describing the origins and role of the Committee should also be included.

Draft guidelines on structural adjustment

394. The Committee took note of the report presented to it by three of its members - Mr. Ceausu, Mr. Grissa and Mr. Marchan Romero - in relation to the request to the Committee by the Commission on Human Rights to comment on the proposal to draft guidelines relating to structural adjustment. It requested its Chairperson to forward those views to the Commission on Human Rights.

Sixteenth session

395. The Committee decided that its day of general discussion at its sixteenth session would be devoted to consideration of the revision of its reporting guidelines. In this context, particular account will be taken of the implications to be drawn from the programmes adopted by the Beijing, Copenhagen, Cairo and other relevant international conferences, as well as the consequences of the various general comments adopted by the Committee since 1989.

396. The Committee also agreed to resume its consideration of the draft general comment on forced evictions and to move as soon as possible to discuss other pending draft general comments.

Mr. Alexandre Muterahejuru

397. The Committee recalls the letter sent on its behalf in July 1996 to the President of Rwanda, as well as the letter sent in September 1996 by the Chairpersons of all six of the United Nations human rights treaty bodies, requesting that urgent consideration be given to the case of Mr. Alexandre Muterahejuru, a former Vice-Chairperson and highly valued member of the Committee who has been detained in Kigali prison since November 1994. The Committee reiterates its request to the Government of Rwanda and notes its appreciation to the United Nations High Commissioner for Human Rights for his involvement in relation to the case. The Committee expresses its most profound wish that no effort be spared to ensure that justice is done in relation to this case.

Office facilities for members of treaty bodies

398. The Committee recalls that, since 1988, it has asked for basic office facilities to be made available for the use of members of the treaty bodies when they are meeting in Geneva. It notes with appreciation that the United Nations High Commissioner for Human Rights and the Centre for Human Rights finally broke the impasse in late 1996 and succeeded in having an office set aside for the use of treaty body members, special rapporteurs, etc.

Departing members of the Committee

399. The Committee expresses its deep gratitude to five of its members who will be leaving it at the end of 1996. They are Ms. Madoe Virginie Ahodikpe, Mr. Juan Alvarez Vita, Mr. Bruno Simma, Ms. Chikako Taya and Ms. Margerita Vysokajova. All five contributed very significantly to the work of the Committee.

Chapter VII

ADOPTION OF THE REPORT

400. At its 55th meeting on 6 December 1996, the Committee considered its draft report to the Economic and Social Council on the work of its fourteenth and fifteenth sessions (E/C.12/1996/CRP.1 and E/C.12/1996/CRP.2 and Add.1). The Committee adopted the report as amended in the course of the discussion.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS
(as at 6 December 1996)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46-48)			Overdue		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31-32 and 35-37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)	Overdue		
6. Armenia	13 December 1993	Overdue					
7. Australia*	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17-18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10-11 and 13-14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (Pending consideration)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus**	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2-3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			Overdue		
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Overdue					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria**	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue			
21. Canada***	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13 and 15-16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6-7 and 18)	
22. Cape Verde	6 November 1993	Overdue					
23. Central African Republic	8 August 1981	Overdue					
24. Chad	9 September 1995	Due on 30 June 1997					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
25. Chile*	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
26. Colombia**	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15 and 21-22)	E/1984/7/ Add.21/Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17-18 and 25)
27. Congo	5 January 1984	Overdue					
28. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40-41 and 43)			Overdue		
29. Côte d'Ivoire	26 June 1992	Overdue					
30. Croatia	8 October 1991	Overdue					
31. Cyprus**	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2-3 and 5)	
32. Czech Republic	1 January 1993	Overdue					
33. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
34. Denmark**	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
35. Dominica	17 September 1993	Overdue					
36. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29-30)		
37. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42)		E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
38. Egypt	14 April 1982	Overdue					
39. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15-16 and18)			Overdue		
40. Equatorial Guinea	25 December 1987	Overdue					
41. Estonia	21 January 1992	Overdue					
42. Ethiopia	11 September 1993	Overdue					
43. Finland**	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11-12 and 16)
44. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
45. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
46. Gambia	29 March 1979	Overdue					
47. Georgia	3 August 1994	Overdue					
48. Germany**	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11-12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35-36 and 46)
49. Greece	16 August 1985	Overdue					
50. Grenada	6 December 1991	Overdue					
51. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
52. Guinea	24 April 1978	Overdue					
53. Guinea-Bissau	2 October 1992	Overdue					
54. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
55. Honduras	17 May 1981	Overdue					
56. Hungary*	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
57. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29-31 and 46)			E/1990/6/Add.15 (Pending consideration)		
58. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
59. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42-43 and 45)	Overdue		
60. Iraq**	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
61. Ireland	8 March 1990	E/1990/5/Add.34 (Pending consideration)					
62. Israel	3 January 1992	Overdue					
63. Italy****	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13-14 and 21)		
64. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
65. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
66. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32)	Overdue		
67. Kenya	3 January 1976	E/1990/5/Add.17					
68. Kuwait	31 August 1996	Due on 30 June 1998					
69. Kyrgyzstan	7 January 1995	Due on 30 June 1997					
70. Latvia	14 July 1992	Overdue					
71. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
72. Lesotho	9 December 1992	Overdue					
73. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (Pending consideration)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)			
74. Lithuania	20 February 1992	Overdue					
75. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (Pending consideration)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
76. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
77. Malawi	22 March 1994	Overdue					
78. Mali	3 January 1976	Overdue					
79. Malta	13 December 1990	Overdue					
80. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40-41 and 43)			Overdue		
81. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6-7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
82. Mongolia*	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
83. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			Overdue		
84. Namibia	28 February 1995	Due on 30 June 1997					
85. Nepal	14 August 1991	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
86. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/Add.11 E/1990/6/Add.12 (Pending consideration)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/Add.13 (Pending consideration)
87. New Zealand	28 March 1979	E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26 and 40)			Overdue		
88. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27-28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
89. Niger	7 June 1986	Overdue					
90. Nigeria	29 October 1993	E/1990/5/Add.31 (Pending consideration)					
91. Norway**	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4-5 and 12)
92. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
93. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1-2 and 4)					
94. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (Pending consideration)				

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
95. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11-12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
96. Poland**	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6-7 and 15)
97. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7-8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
98. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3-4 and 6)			Due on 30 June 1997		
99. Republic of Moldova	26 March 1993	Overdue					
100. Romania*	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
101. Russian Federation**	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
102. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
103. Saint Vincent and the Grenadines	9 February 1982	Overdue					
104. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
105. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37-38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	Overdue		
106. Seychelles	5 August 1992	Overdue					
107. Sierra Leone	23 November 1996	Due on 30 June 1998					
108. Slovakia	28 May 1993	Overdue					
109. Slovenia	6 July 1992	Overdue					
110. Solomon Islands	17 March 1982	Overdue					
111. Somalia	24 April 1990	Overdue					
112. Spain**	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13-14, 16 and 22)
113. Sri Lanka	11 September 1980	E/1990/5/Add.32 (Pending consideration)					
114. Sudan	18 June 1986	Overdue					
115. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13 and 15-16)			Overdue		
116. Sweden**	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
117. Switzerland	18 September 1992	E/1990/5/Add.33 (Pending consideration)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
118. Syrian Arab Republic*	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
119. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
120. Togo	24 August 1984	Overdue					
121. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Overdue		
122. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (Pending consideration)		
123. Uganda	21 April 1987	Overdue					
124. Ukraine**	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
125. United Kingdom of Great Britain and Northern Ireland**	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33-34, 36 and 37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33-34 and 36-37)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
126. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1980/WG.1/ SR.5)	Overdue			
127. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3-4, 6 and 13)			E/1990/6/Add.10 (Pending consideration)		
128. Uzbekistan	28 December 1995	Due on 30 June 1997					
129. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12 and 17-18)	Overdue		
130. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
131. Yemen	9 May 1987	Overdue					
132. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
133. Zaire	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41 (E/C.12/1988/SR.16-19)	Overdue		
134. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
135. Zimbabwe	13 August 1991	E/1990/5/Add.28 (Pending consideration)					

* Third periodic report, which was due on 30 June 1994, has not yet been received.

** Third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); third periodic report of Colombia (E/1994/104/Add.2) was considered at the thirteenth session (E/C.12/1995/SR.32-33 and 35); third periodic report of Norway (E/1994/104/Add.3) was considered at the thirteenth session (E/C.12/1995/SR.34 and 36-37); third periodic report of Ukraine (E/1994/104/Add.4) was considered at the thirteenth session (E/C.12/1995/SR.42 and 44-45); third periodic report of Spain (E/1994/104/Add.5) was considered at the fourteenth session (E/C.12/1996/SR.3 and 5-7); third periodic report of Belarus (E/1994/104/Add.6) was considered at the fifteenth session (E/C.12/1996/SR.34-36); third periodic report of Finland (E/1994/104/Add.7) was considered at the fifteenth session (E/C.12/1996/SR.37-38 and 40); third periodic report of the Russian Federation was received on 31 July 1995 (E/1994/104/Add.8); third periodic report of Iraq was received on 15 December 1995 (E/1994/104/Add.9); third periodic report of the United Kingdom of Great Britain and Northern Ireland (Hong Kong) (E/1994/104/Add.10) was considered at the fifteenth session (E/C.12/1996/SR.39, 41-42 and 44); third periodic report of the United Kingdom of Great Britain and Northern Ireland was received on 22 February 1996 (E/1994/104/Add.11); third periodic report of Cyprus was received on 30 April 1996 (E/1994/104/Add.12); third periodic report of Poland was received on 7 June 1996 (E/1994/104/Add.13); third periodic report of Germany was received on 3 July 1996 (E/1994/104/Add.14); third periodic report of Denmark was received on 12 August 1996 (E/1994/104/Add.15); third periodic report of Bulgaria was received on 19 September 1996 (E/1994/104/Add.16).

*** Third periodic report, which was due on 30 June 1995, has not yet been received.

**** Third periodic report, which was due on 30 June 1996, has not yet been received.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Ade ADEKUOYE	Nigeria	1998
Mr. Mahmoud Samir AHMED	Egypt	1998
Ms. Madoe Virginie AHODIKPE	Togo	1996
Mr. Philip ALSTON	Australia	1998
Mr. Juan ALVAREZ VITA	Peru	1996
Ms. Virginia BONOAN-DANDAN	Philippines	1998
Mr. Dumitru CEAUSU	Romania	1996
Mr. Abdessatar GRISSA	Tunisia	1996
Ms. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	1996
Mr. Valeri KOUZNETSOV	Russian Federation	1998
Mr. Jaime MARCHAN ROMERO	Ecuador	1998
Mr. Kenneth Osborne RATTRAY	Jamaica	1996
Mr. Bruno SIMMA	Germany	1998
Ms. Chikako TAYA	Japan	1996
Mr. Philippe TEXIER	France	1996
Mr. Nutan THAPALIA	Nepal	1998
Ms. Margerita VYSOKAJOVA	Czech Republic	1996
Mr. Javier WIMER ZAMBRANO	Mexico	1998

Annex III

A. AGENDA OF THE FOURTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (30 April-17 May 1996)

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion: "Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights".

6. Relations with United Nations organs and other treaty bodies.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

B. AGENDA OF THE FIFTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (18 November-6 December 1996)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

6. General discussion: "Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights".

7. Relations with United Nations organs and other treaty bodies.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Report of the Committee to the Economic and Social Council.

Annex IV

REPORT OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO THE COMMISSION ON HUMAN RIGHTS ON A DRAFT OPTIONAL PROTOCOL FOR THE CONSIDERATION OF COMMUNICATIONS CONCERNING NON-COMPLIANCE WITH THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Introduction

1. In the Vienna Declaration and Programme of Action, 1/ the World Conference on Human Rights "encourage[d] the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights" (part II, para. 75). Although the reference is to "protocols" (in the plural), the only specific proposal before the Conference related to an optional communications procedure. This commitment was reiterated by the Commission on Human Rights, which, in paragraph 6 of its resolution 1994/20 of 1 March 1994, took note of the "steps taken by the Committee ... for the drafting of an optional protocol ... granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invite[d] the Committee to report thereon to the Commission". A brief progress report (E/CN.4/1996/96) on these deliberations was submitted to the Commission on Human Rights at its fifty-second session. The Commission, in paragraph 5 of its resolution 1996/11 of 11 April 1996, welcomed the information and took note of the steps taken by the Committee.

2. The preparation of an optional protocol was first discussed in the Committee in 1990 and the matter has been formally under consideration by the Committee since its sixth session, in 1991. 2/ The following year, the adoption of such a protocol was expressly recommended by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, in his final report (E/CN.4/Sub.2/1992/16, para. 211). Subsequently, four separate reports were prepared at the Committee's request by Mr. Philip Alston 3/ and provided the basis for extensive discussions within the Committee.

3. The present report reflects the outcome of the discussions held by the Committee over the course of a number of sessions. In particular, the Committee conducted in-depth discussions based on a specific set of draft proposals from its eleventh to fifteenth sessions. 4/ It adopted the present report at its fifteenth session. In doing so, the Committee decided that, while it would prefer wherever possible to adopt a consensus position in relation to the issues under consideration, its report would also reflect divergent viewpoints whenever these could not be brought together in a consensus position. In the course of the Committee's discussions, one of its members - Mr. Grissa - indicated that he was opposed to the proposal to draft an optional protocol. His views are reflected in the summary records, in particular that of the 43rd meeting (E/C.12/1996/SR.43).

4. The present report provides an analysis of the issues that will need to be examined by the Commission on Human Rights in its consideration of the proposed optional protocol. It takes account of the comments made by members

of the Committee in the course of its various discussions and, in particular, reflects the outcome of the Committee's deliberations at its fifteenth session. Careful note was taken in the course of those deliberations of very helpful oral and written submissions by the International Labour Organization, the Division for the Advancement of Women of the United Nations Department for Policy Coordination and Sustainable Development, and the representatives of various non-governmental organizations, as well as of the report of an expert meeting convened in Utrecht by the Netherlands Institute of Human Rights in January 1995 to discuss the draft protocol. 5/

5. Before considering the issues that arise in relation to the content of a draft optional protocol to the Covenant, it is appropriate to consider briefly the broader setting in relation to which such an examination must take place.

I. PARALLEL DEVELOPMENTS IN RELATION TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

6. In the Vienna Declaration and Programme of Action, the World Conference on Human Rights called upon the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women to "quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women" (part II, para. 40). Subsequently, an expert meeting was convened under independent auspices at the University of Maastricht in the Netherlands from 29 September to 1 October 1994 and adopted a comprehensive draft optional protocol. The general lines of this draft were subsequently endorsed by the Committee on the Elimination of Discrimination against Women (CEDAW) at its fourteenth session, in 1995. 6/

7. At its fortieth session, in 1996, the Commission on the Status of Women established an open-ended sessional working group to examine the issue. The working group held a general exchange of views, followed by an in-depth consideration of the major issues arising from the proposal. 7/ The Commission recommended the renewal of the working group's mandate for 1997 and requested the Secretary-General to prepare two reports containing, respectively, a comparative survey of other comparable international procedures and a synthesis of the views expressed on the issue by Governments and intergovernmental and non-governmental organizations.

II. SIMILAR DEVELOPMENTS IN RELATION TO REGIONAL HUMAN RIGHTS TREATIES

8. In the context of the Organization of American States, the 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), 8/ which provides for a limited complaints procedure, has now been ratified or acceded to by six States and will enter into force upon acceptance by five more. Pursuant to article 19, paragraph 6:

> "Any instance in which [the right to organize trade unions and the right to education] are violated by action directly attributable to a State Party to this Protocol may give rise, through participation of the Inter-American Commission on Human Rights and, when applicable, of the

Inter-American Court of Human Rights, to application of the system of individual petitions governed by Articles 44 through 51 and 61 through 69 of the American Convention on Human Rights."

9. Of even greater direct relevance is the adoption in November 1995 by the Council of Europe of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints. 9/ As with the proposed optional protocol to the International Covenant on Economic, Social and Cultural Rights, the new procedure is viewed only as a supplement to the reporting mechanism, which remains the primary means of supervising compliance with the European Social Charter. Complaints alleging "unsatisfactory application of the Charter" cannot be submitted by individuals in their own right. Instead, they must be submitted by one of the following groups: (a) designated "international organizations of employers and trade unions"; (b) "other international non-governmental organizations which have consultative status with the Council of Europe and have been put on a list established for this purpose by the Governmental Committee"; (c) "representative national organizations of employers and trade unions" within the State against which the complaint is directed (art. 1); (d) "any other representative national non-governmental organization" designated by the State concerned as having the right to lodge complaints against it (art. 2). Groups in categories (b) and (d) may submit complaints only in respect of matters regarding which "they have been recognized as having particular competence" (art. 3). The complainant is required to indicate "in what respect the [Contracting Party] has not ensured the satisfactory application" of a specified provision of the Charter (art. 4).

10. The complaint is initially examined by the Committee of Independent Experts, established under the European Social Charter. Having determined that the complaint is admissible, the Committee calls for observations from both sides as well as from other parties to the Protocol and category (a) organizations (art. 7). It then reports on whether or not the State's application of the relevant provision of the Charter has been "satisfactory" (art. 8). The report is sent confidentially to the parties concerned, to all parties to the Charter and to the Council of Europe's Committee of Ministers. Within four months thereafter it must be sent to the Parliamentary Assembly and be made public. On the basis of the report, the Committee of Ministers adopts a resolution and, if the conclusions of the Committee of Independent Experts are negative, addresses a recommendation to the State concerned (art. 9). The latter is required to report "on the measures it has taken to give effect to the ... recommendation" (art. 10). The Protocol will enter into force upon acceptance by 5 member States of the Council of Europe, of which there are currently 40.

III. PRELIMINARY CONSIDERATIONS

11. At its seventh session, in 1992, the Committee adopted a consolidated "analytical paper" on the proposed optional protocol (E/1993/22, annex IV), which it submitted to the World Conference on Human Rights. In addition to that analysis, the Committee made the following submission in its general statement to the Conference:

> "... the Committee believes that there are strong reasons for adopting a complaints procedure (in the form of an optional protocol to the Covenant) in respect of the economic, social and cultural rights

recognized in the Covenant. Such a procedure would be entirely non-compulsory and would permit communications to be submitted by individuals or groups alleging violations of the rights recognized in the Covenant. It might also include an optional procedure for the consideration of inter-State complaints. Various procedural safeguards designed to guard against abuse of the procedure would be adopted. They would be similar in nature to those applying under the first Optional Protocol to the International Covenant on Civil and Political Rights." (Ibid., annex III, para. 18.)

12. In its analytical paper, the Committee emphasized the following aspects of the proposed optional protocol:

(a) Any protocol to the Covenant will be strictly optional and will thus be applicable only to those States parties which specifically agree to it by way of ratification or accession;

(b) The general principle of permitting complaints to be submitted under an international procedure in relation to economic, social and cultural rights is in no way new or especially innovative, given the precedents that exist in the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, the procedure established under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) and the Additional Protocol to the European Social Charter;

(c) Experience to date with a wide range of existing international petition procedures indicates that there is no basis for fears that an optional protocol will result in a vast number of complaints;

(d) Under an optional protocol procedure the State party concerned retains the final decision as to what will be done in response to any views adopted by the Committee;

(e) If the principle of the indivisibility, interdependence and interrelatedness of the two sets of rights (civil and political, and economic, social and cultural) is to be upheld in the work of the United Nations, it is essential that a complaints procedure be established under the International Covenant on Economic, Social and Cultural Rights, thereby redressing the imbalance that currently exists.

IV. ANALYSIS OF THE POSSIBLE PROVISIONS OF AN OPTIONAL PROTOCOL

13. The following analysis is based primarily on the Committee's deliberations at its fifteenth session, while also drawing on its earlier discussions between 1991 and 1996. It also draws heavily on the approach adopted in existing communications procedures under United Nations human rights treaties, particularly the first Optional Protocol to the International Covenant on Civil and Political Rights.

14. After a lengthy discussion, the Committee decided not to recommend the inclusion of an inter-State complaints procedure in the proposed optional protocol. It was noted that such a procedure is included in various other core human rights treaties, such as the International Covenant on Civil and

Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All such procedures apply only between States which have mutually accepted the relevant procedure. The report submitted to the Committee at its fifteenth session summarized the different perspectives on this issue in the following terms:

> "... In principle, there are good reasons to include such a procedure within the optional protocol. It would increase the options available for dealing with economic, social and cultural rights and it would put those rights on a par with those dealt with in the instruments listed above. In practice, however, there are also strong reasons that militate against the inclusion of such a procedure. Those that already exist under comparable United Nations human rights treaties have never been used and Governments have consistently been wary of what has been referred to as 'a Pandora's box, which all parties prefer to keep shut'. Even in ILO the two procedures for inter-State complaints (under art. 26 of the Constitution and under the freedom of association procedure) have only been used four times and once, respectively. This explains why such a procedure has not been proposed in relation to the draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women." (E/C.12/1996/CRP.2/Add.1, para. 12.)

A. Preamble

15. The preamble to the first Optional Protocol to the International Covenant on Civil and Political Rights consists of a single paragraph. For present purposes it would seem appropriate not to depart significantly from the basic simplicity of that approach. However, since the proposed protocol is not being adopted at the same time as the Covenant (as was the case of the first Optional Protocol to the International Covenant on Civil and Political Rights), it is desirable to indicate some of the reasons for establishing an additional procedure. These relate to the interdependence of the two sets of rights, the contribution of the World Conference on Human Rights, the role of the Committee on Economic, Social and Cultural Rights, the importance of recourse procedures in relation to economic, social and cultural rights, the relationship between this protocol and the international community's broader economic and social development objectives, and the nature of the obligations specified in article 2, paragraph 1, of the Covenant.

16. The proposed text of the preamble is:

> "The States Parties to the present Protocol,
>
> "[a] Emphasizing that social justice and development, including the realization of economic, social and cultural rights, are essential elements in the construction of a just and equitable national and international order,
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> "[b] Recalling that the Vienna Declaration and Programme of Action recognized that 'all human rights are universal, indivisible and interdependent and interrelated',

"[c] Emphasizing the role of the Economic and Social Council, and through it the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee), in developing a better understanding of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the Covenant) and in promoting the realization of the rights recognized therein,

"[d] Recalling the provision of article 2, paragraph 1, of the Covenant pursuant to which 'Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures',

"[e] Noting that the possibility for the subjects of economic, social and cultural rights to submit complaints of alleged violations of those rights is a necessary means of recourse to guarantee the full enjoyment of the rights,

"[f] Considering that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it is appropriate to enable the Committee to receive and examine, in accordance with the provisions of this Protocol, communications alleging violations of the Covenant,

"Have agreed as follows:".

B. Scope of the Committee's competence

1. Questions of terminology

17. In communications procedures generally, the first article contains the undertaking pursuant to which a State party recognizes the competence of the Committee to receive communications. It is traditional in such texts to distinguish between the receipt of a communication (which does not necessarily imply that it will subsequently be examined) and the consideration, or examination, phase (which occurs once the various procedural requirements have been met). The first Optional Protocol to the International Covenant on Civil and Political Rights uses both the latter verbs - "consider" and "examine" - without implying any clear distinction. Given the Human Rights Committee's practice of referring to the "examination" of communications, that verb is used in the following proposals.

18. The Committee recommends that the protocol refer to a "violation ... of ... the rights set forth in the Covenant", thereby following the wording of article 1 of the first Optional Protocol to the International Covenant on Civil and Political Rights. The report submitted to the Committee at its fifteenth session (E/C.12/1996/CRP.2/Add.1) also noted various other options which had been put forward:

"19. [One option is to] refer to a failure by the State party to give effect to its obligations under the Covenant (as proposed in the Maastricht draft referred to in para. [5] above, and which amounts to a

hybrid version of the terminology used in article 41 of the Covenant on Civil and Political Rights in relation to inter-State complaints). Other options are to follow the wording of the Additional Protocol to the European Social Charter and refer to a failure to ensure the satisfactory application of a provision or to adopt a formulation proposed by the ILO which would refer to those 'who allege failure by that State party to secure the observance of any of the rights'. In the case of the Covenant, all but the first of these formulations might be read as applying not only to the rights recognized in articles 1 to 15 but also to the procedural obligations contained in Part IV of the Covenant relating to reporting, etc. It is not clear, however, that it is desirable for individuals to be able to bring a communication against a State party on the grounds that it has failed to report in a timely fashion, or at all. While such behaviour clearly constitutes a violation of the State's obligations, there are alternative means by which the Committee has sought to address such problems.

"20. A requirement that a 'violation' be alleged would not have the effect of exposing a State party to a successful complaint solely by virtue of its failure to ensure to a specific complainant the full realization of a given right. The obligation of the State under the Covenant, and thus the question of whether a violation had occurred, would still depend on the facts of the case and a consideration of the implications of the terminology used both in the substantive provision recognizing the right and in article 2 (1) of the Covenant defining the nature of the obligation. There would thus seem to be no reason not to follow the approach used in the first Optional Protocol of referring to a violation. The only qualification would be to use the term 'recognized' rather than 'set forth', in view of the different terminology used in each of the Covenants."

2. Individuals and/or groups as complainants

19. The next question dealt with by the Committee was whether an individual should be permitted to submit a communication. In this regard, it was noted that the Additional Protocol to the European Social Charter had excluded that possibility and adopted a restrictive list of group-based complainants. In the course of a full discussion of this option, all members of the Committee who contributed to the debate agreed that the inclusion of an individual right to petition was essential. It was also recalled in this regard that, already at its seventh session, in 1992, the Committee had indicated a "strong and clear preference for an individual" focus (E/1993/22, annex IV, para. 66).

20. A related issue was whether groups, one or more of whose members claimed to be a victim of a violation, should also be permitted to submit complaints. In this regard, the Committee recalled the reference in Commission on Human Rights resolution 1994/20 of 1 March 1994 to "granting the right of individuals or groups to submit communications" (para. 6), and noted that the Human Rights Committee had, in practice, dealt with many communications submitted by individuals on behalf of affected groups, and vice versa. It was thus agreed that groups, should be included among those alleged victims entitled to submit complaints.

21. The proposed text of article 1, based on the decisions reflected in the preceding analysis, is:

"A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and examine communications from any individuals or groups subject to its jurisdiction in accordance with the provisions of this Protocol."

C. Right to submit a communication

1. Third parties acting "on behalf of" alleged victims

22. The next issue is whether "standing" to submit a communication should be extended to "third parties", in other words individuals and groups who, although not themselves victims of a violation, have what is deemed "a sufficient interest" in the matter (to use the term employed in the CEDAW draft (see para. 6 above)). The report submitted to the Committee at its fifteenth session (E/C.12/1996/CRP.2/Add.1) noted in this regard:

"23. ... this broad approach is not necessary merely in order to permit a communication to be submitted by another person or group on behalf of an individual claiming to be a victim of a violation. The Human Rights Committee has consistently interpreted article 1 of the first Optional Protocol [to the International Covenant on Civil and Political Rights] to accommodate that situation - an approach which is clearly reflected in rule 90 (1)(b) of the Committee's rules of procedure. The broader formulation would therefore seem to envisage a situation in which a public interest group or some other type of non-governmental organization might be authorized by the protocol to bring a complaint without having to identify and act with, or on behalf of, an individual or group claiming to be a victim of a violation. While this would have the advantage of permitting complaints which sought to anticipate violations, whether imminent or merely possible, it would also broaden considerably the scope of the obligation assumed by States parties and would potentially open the door to speculative complaints.

"24. During discussions in the Committee it has been argued that any 'NGOs and other organizations' should be authorized to submit complaints. This would eliminate all requirements such as 'consultative status', links to the country concerned, or special knowledge or particular competence in relation to the issues raised. It would thus make the procedure much more easily accessible than is the case under the European Social Charter and the ILO procedures. Even the non-treaty-based procedure under resolution 1503 has some limits in theory, although not in practice. The proposal would eliminate any need for a nexus between the complainant and the alleged violation. While it is clear that a 'wide open' approach to standing would increase the capacity of the procedure to address every possible issue of relevance, it would seem to come at the price of opening up the procedure to a vast number of complaints which do not have to satisfy any minimum requirements designed to filter out ill-informed or gratuitous complaints.

"25. ... It should also be noted that the requirement to exhaust domestic remedies before lodging a complaint with an international body, which is a standard provision in relation to all comparable human rights

complaints procedures (except that of ILO), would make it somewhat illusory to eliminate the nexus between the complainant(s) and the State party."

23. In the light of these considerations the Committee recommends that the right to submit a complaint should be extended also to individuals or groups who act on behalf of alleged victims. The Committee noted, however, that this formulation should be interpreted only to embrace individuals and groups who, in the view of the Committee, are acting with the knowledge and agreement of the alleged victim(s).

2. Range of rights covered

24. The next issue is whether the procedure should apply to all the rights recognized in the Covenant or only to some of them. The report submitted to the Committee at its fifteenth session noted in this regard:

"... After canvassing four different options, the Committee's analytical paper submitted to the World Conference opted for an inclusive rather than a restrictive approach. However, in order to exclude the reporting obligations contained in part IV of the Covenant it is proposed to restrict the coverage of the procedure to the rights recognized in articles 1 to 15 of the Covenant. This approach has been supported by the Committee in its deliberations to date, except in relation to questions raised in relation to the right to self-determination recognized in article 1 and in relation to the rights recognized in article 15. It has been suggested that the inclusion of the former could involve a grave danger of the procedure being misused. It may be noted that the right to self-determination is recognized in exactly the same terms in article 1 of the Covenant on Civil and Political Rights and that it is subject to complaints under the first Optional Protocol to that Covenant. In practice, however, the Human Rights Committee has adopted a cautious or restrictive approach to its application. In relation to article 15, it would seem difficult to single it out for exclusion while retaining other formulations of equivalent generality." (Ibid., para. 27.)

25. The Committee recommends that the optional protocol should apply in relation to all the economic, social and cultural rights set forth in the Covenant and that this would include all the rights contained in articles 1 to 15. The Committee noted, however, that the right to self-determination should be dealt with under this procedure only in so far as economic, social and cultural rights dimensions of that right are involved. It considered that the civil and political rights dimensions of the right should remain the preserve of the Human Rights Committee in connection with article 1 of the International Covenant on Civil and Political Rights.

26. Another issue, closely related to the previous one, is whether provision should be made to enable States to accept the procedure provided for in the optional protocol either in relation to all the provisions of articles 1 to 15 (a "comprehensive" approach) or only in relation to particular elements of the Covenant (a "selective" approach). The latter approach, sometimes referred to as a smorgasbord or à la carte approach, could take either of two forms. The first would require States parties to indicate which provisions of the Covenant would not be covered by the procedure they had accepted by becoming a

party to the optional protocol. Each State would thus have to "opt out" in relation to specified provisions if it wished to avoid the application of the optional protocol in relation to all the rights recognized in the Covenant. The second form would require them to "opt in" to the procedure in relation to provisions of the Covenant which they would specify upon becoming a party to the protocol. A further distinction was noted in the report submitted to the Committee at its fifteenth session, which observed that each of these selective approaches:

> "could apply either to articles of the Covenant or, in an even more specific fashion, to specific rights. Thus, for example, under the first approach, a State could identify article 11 as one in relation to which it would accept the complaints procedure (thus covering all the elements - adequate standard of living, food, clothing, housing, etc. - dealt with in that article). Under the second approach it could identify a specific right such as the right to adequate food in relation to which it would accept the procedure. It should be noted that the adoption of a more restrictive coverage in the optional protocol would in no way diminish or otherwise affect the full range of obligations already applicable to every State party to the Covenant." (Ibid., para. 29.)

27. The same report noted the following advantages and disadvantages of permitting any type of selective approach:

> "30. ... Its principal advantages are: (i) it enables States to tailor the extent of the obligations that they accept to fit the situation within the country, thus making it more feasible to accept the principle of a complaints procedure; (ii) it would facilitate a progressive acceptance of a wider range of rights over time; (iii) it would partly resolve the question of which rights are justiciable and to what extent by enabling States to resolve that issue for themselves and expand their approach as the content of individual rights evolves with greater clarity; and (iv) it would make the procedure as a whole more manageable, and thus more acceptable, to a broader range of States.
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> "31. This option also has some clear disadvantages: (i) the approach might be perceived from a practical viewpoint, although not from a theoretical perspective, to challenge the principle that all rights are equally important; (ii) the approach would differ from the holistic one reflected in the first Optional Protocol to the Covenant on Civil and Political Rights, although it would be consistent with the options given to States to accept some provisions, but not others, when ratifying the European Social Charter; and (iii) there is a risk States might initially opt to accept the procedure only in relation to an unduly narrow range of rights.
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> "32. Whatever approach is adopted in this regard, it would have to be assumed, given the fundamental importance of articles 2-5 of the Covenant, that they would always be fully applicable in relation to the interpretation of the meaning of any of the specific rights recognized in articles 6-15."

28. After a long debate over this issue, the majority of the members of the Committee who participated expressed a clear preference for a comprehensive approach which would require any State becoming a party to the optional protocol to accept the procedure in relation to all the rights recognized in the Covenant. On the other hand, a strong minority favoured the adoption of a selective approach which would permit States to accept obligations only in relation to a specified range of rights. The minority considered that this could be achieved either by requiring States expressly to "opt out" of provisions that they would need to identify at the time of becoming a party to the protocol or by enabling them to "opt in" in relation to provisions which they would specify.

3. Protecting access to the procedure

29. A related issue concerns protection of the right to submit a complaint. The report submitted to the Committee at its fifteenth session put the issue in the following terms:

> "It is appropriate to include a provision which not only affirms the right of an individual or group to submit a written communication alleging a violation of the rights recognized in the Covenant, but also obliges States parties to do whatever is necessary to enable potential complainants to submit communications. The importance of this aspect of a complaints procedure has consistently been highlighted by the Commission on Human Rights in a series of resolutions since 1990. Based on a report of the Secretary-General [E/CN.4/1994/52], the Commission, in its resolution 1994/70, requested the treaty bodies to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way. The Commission also urged Governments to refrain from all acts of intimidation or reprisal against, inter alia, those who submit or have submitted communications under procedures established by human rights instruments. It therefore seems appropriate for a specific provision of this nature to be included in the protocol." (E/C.12/1996/CRP.2/Add.1, para. 39.)

30. The Committee agreed that such a provision should be included.

31. The proposed text of article 2, based on the decisions reflected in the preceding analysis, is:

> "1. Any individual or group claiming to be a victim of a violation by the State party concerned of any of the economic, social or cultural rights recognized in the Covenant, or any individual or group acting on behalf of such claimant(s), may submit a written communication to the Committee for examination.
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> "2. States Parties to this Protocol undertake not to hinder in any way the effective exercise of the right to submit a communication and to take all steps necessary to prevent any persecution or sanctioning of any person or group submitting or seeking to submit a communication under this Protocol."

D. Receivability and admissibility

32. Bringing together the various provisions relating to receivability and admissibility within a single article of the optional protocol would seem to be the most convenient approach. For the most part, these various procedural rules are based directly on the formulations used in the first Optional Protocol to the International Covenant on Civil and Political Rights. For the purposes of the present draft they have been reorganized slightly, but the wording remains almost identical in its key provisions.

33. The proposed text of article 3 is:

"1. No communication shall be received by the Committee if it is anonymous or is directed at a State which is not a Party to this Protocol.

"2. The Committee shall declare a communication inadmissible if it:

"(a) does not contain allegations which, if substantiated, would constitute a violation of rights recognized in the Covenant;

"(b) constitutes an abuse of the right to submit a communication; or

"(c) relates to acts and omissions which occurred before the entry into force of this Protocol for the State Party concerned, unless those acts or omissions:

"(i) continue to constitute a violation of the Covenant after the entry into force of the Protocol for that State Party; or

"(ii) have effects which continue beyond the entry into force of this Protocol and those effects themselves appear to constitute a violation of a right recognized in the Covenant.

"3. The Committee shall not declare a communication admissible unless it has ascertained:

"(a) that all available domestic remedies have been exhausted; and

"(b) that a communication submitted by or on behalf of the alleged victim which raises essentially the same issues of fact and law is not being examined under another procedure of international investigation or settlement. The Committee may, however, examine such a communication where the procedure of international investigation or settlement is unreasonably prolonged."

E. Substantiation of complaints

34. In any complaints procedure there is an onus placed upon the complainant to provide information which gives substance to the allegations that have been made. Moreover, it is appropriate to provide the Committee with the opportunity to re-examine a communication if new information is provided to it after it has already taken a decision to declare the communication inadmissible on the basis of its first examination.

35. The proposed text of article 4 is:

> "1. The Committee may decline to continue to examine a communication if the author, after being given a reasonable opportunity to do so, fails to provide information which would sufficiently substantiate the allegations contained in the communication.
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> "2. The Committee may, upon the request of the author of the complaint, recommence examination of a communication which it has declared inadmissible under article 3 if the circumstances which led to its decision have changed."

F. Interim measures

36. Although the first Optional Protocol to the International Covenant on Civil and Political Rights does not contain a specific provision dealing with interim measures, procedures adopted subsequently by the Human Rights Committee have addressed this important issue. While the Committee does not consider it necessary or desirable to adopt a blanket provision which would apply in all cases, it considers that it should be given the discretion, to be used in potentially serious cases involving the possibility of irreparable harm, to request that interim measures be taken.

37. The proposed text of article 5 is:

> "If at any time after the receipt of a communication, and before a determination on the merits has been reached, a preliminary study gives rise to a reasonable apprehension that the allegations, if substantiated, could lead to irreparable harm, the Committee may request the State Party concerned to take such interim measures as may be necessary to avoid such irreparable harm."

G. Reference to State party and friendly settlement

38. The great majority of communications procedures provide for the possibility of reaching a friendly settlement with the State party concerned. Particularly in view of the nature of economic, social and cultural rights, it would seem especially appropriate to provide for a procedure of friendly settlement in the optional protocol. For this purpose, the Committee would specifically indicate its preparedness to facilitate such a settlement, provided only that the resulting arrangement is based on respect for the rights and obligations contained in the Covenant.

39. Another matter is whether to include a provision comparable to that contained in the International Convention on the Elimination of All Forms of Racial Discrimination (art. 14, para. 6 (a)), according to which "the identity

of the individual or groups of individuals concerned shall not be revealed without his or their express consent". In the view of the Committee, the possible need to protect the identity of the alleged victim(s) is a matter best taken care of in the relevant rules of procedure.

40. The other matter in this regard is the setting of a time-limit within which a State must respond to information received from the Committee. The first Optional Protocol to the International Covenant on Civil and Political Rights provides for a period of six months. Consideration was given in the Committee's earlier deliberations to setting a time-limit of three months. It was suggested that that would be conducive to achieving a prompt and equitable solution. The International Labour Organization and other sources made it clear, however, that three months would, in their experience, be too short a time for Governments to respond. The Committee therefore recommends that six months be retained.

41. The proposed text of article 6 is:

> "1. Unless the Committee considers that a communication should be declared inadmissible without reference to the State Party concerned, the Committee shall confidentially bring to the attention of the State Party any communication referred to it under this Protocol.
>
> "2. Within six months, the receiving State shall submit to the Committee explanations or statements and the remedy, if any, that may have been afforded by that State.
>
> "3. During its examination of a communication, the Committee shall place itself at the disposal of the parties concerned with a view to facilitating settlement of the matter on the basis of respect for the rights and obligations set forth in the Covenant.
>
> "4. If a settlement is reached, the Committee shall prepare a report containing a statement of the facts and of the solution reached."

H. Examination of communications

42. The first Optional Protocol to the International Covenant on Civil and Political Rights specifies that the Human Rights Committee shall base itself on "all written information made available to it by the individual and by the State Party concerned" (art. 5, para. 1). In practice this is a generous provision, since it does not exclude information from any source, provided only that it is specifically submitted by one party or the other. Nevertheless, it seems unduly restrictive and counterproductive for the Committee not to be able to take into account information which it has obtained for itself from other sources. In the present case, the Committee recommends the inclusion of authorization for such action to be undertaken by it, on condition that any such information would also be provided to the parties concerned for comment.

43. Article 5 of the first Optional Protocol to the International Covenant on Civil and Political Rights does not specify the procedures to be used by the Human Rights Committee in examining communications, other than to state that its examination shall take place in closed meetings. It is unnecessary for the draft optional protocol to be any more detailed and it would seem to

be sufficient to indicate that the Committee is empowered to adopt its own procedures for the consideration of communications and that such consideration should take place in private session. The only significant additional element recommended by the Committee concerns including the possibility of a visit to the territory of a State party as part of the Committee's examination of a communication. By providing such an option, to be employed only if the State party concerned wishes to exercise it, the procedure would have the flexibility required to enable the Committee, in cooperation with the State party, to tailor the best approach under the circumstances.

44. It is also proposed to indicate that the final views of the Committee will be made public at the same time as they are communicated to the parties directly involved. This is consistent with the existing practice of the Human Rights Committee.

45. The proposed text of article 7 is:

> "1. The Committee shall examine communications received under this Protocol in the light of all information made available to it by or on behalf of the author in accordance with paragraph 2, and by the State Party concerned. The Committee may also take into account information obtained from other sources, provided that this information is transmitted to the parties concerned for comment.
>
> "2. The Committee may adopt such procedures as will enable it to ascertain the facts and to assess the extent to which the State Party concerned has fulfilled its obligations under the Covenant.
>
> "3. As part of its examination of a communication, the Committee may, with the agreement of the State Party concerned, visit the territory of that State Party.
>
> "4. The Committee shall hold closed meetings when examining communications under this Protocol.
>
> "5. After examining a communication, the Committee shall adopt its views on the claims made in the communication and shall transmit these to the State Party and to the author, together with any recommendations it considers appropriate. The views shall be made public at the same time."

I. Results of examination

46. While the first Optional Protocol to the International Covenant on Civil and Political Rights provides only that the Human Rights Committee shall forward its views to the two concerned parties, the practice of that Committee, as well as of other comparable complaints procedures, has developed very significantly in recent years as regards the various follow-up procedures. It would therefore seem appropriate in drafting a protocol in the late 1990s to be more specific as to the recommendations which the Committee might make with a view to remedying any violation which it has identified. This approach would be entirely consistent with the importance attached by the International Covenant on Civil and Political Rights to the provision of an appropriate remedy for violations, and with the approach proposed in the study prepared for the Sub-Commission on Prevention of Discrimination and Protection

of Minorities concerning "the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" (E/CN.4/Sub.2/1993/8).

47. Following the Committee's discussions, it is not recommended, however, to include a provision which would expressly obligate the State party concerned to implement the Committee's recommendations, to provide an appropriate remedy or to ensure the provision of adequate compensation where appropriate. While there is much to be said in policy terms for such measures, it is correct, as pointed out during the debates, that making such measures legally mandatory would transform the nature of the procedure from a quasi-judicial to a judicial one. In the latter case, more complex procedures in general would be necessary, including a greater variety of procedural safeguards for the parties concerned.

48. In paragraph 2 of article 8 it is proposed to extend the relevant time-limit to six months for the same reasons cited in relation to article 6, paragraph 2 (see para. 40 above).

49. The proposed text of article 8 is:

> "1. Where the Committee is of the view that a State Party has violated its obligations under the Covenant, the Committee may recommend that the State Party take specific measures to remedy the violation and to prevent its recurrence.
>
> "2. The State Party concerned shall, within six months of receiving notice of the decision of the Committee under paragraph 1, or such longer period as may be specified by the Committee, provide the Committee with details of the measures which it has taken in accordance with paragraph 1."

J. Follow-up procedures

50. Once again, while the first Optional Protocol to the International Covenant on Civil and Political Rights does not spell out the procedures which will be used in relation to following up on the adoption of views in particular cases, the Human Rights Committee has developed an extensive procedure for this purpose. In the present case, therefore, the Committee recommends that such a procedure be reflected in the draft optional protocol.

51. The proposed text of article 9 is:

> "1. The Committee may invite a State Party to discuss with it, at a mutually convenient time, the measures which the State Party has taken to give effect to the views or recommendations of the Committee.
>
> "2. The Committee may invite the State Party concerned to include in its reports under article 17 of the Covenant details of any measures taken in response to the Committee's views and recommendations.

"3. The Committee shall include in its annual report an account of the substance of the communication and its examination of the matter, a summary of the explanations and statements of the State Party concerned, of its own views and recommendations, and the response of the State Party concerned to those views and recommendations."

K. Rules of procedure and servicing

52. In view of the fact that the text of the Covenant itself does not contain specific provisions relating to the adoption of rules of procedure, the meetings of the Committee or the responsibility of the Secretary-General for the servicing of the Committee, it is recommended that this lack be remedied in relation to the communications procedure provided for in the optional protocol. The Committee therefore proposes provisions comparable to those contained in other major human rights treaties.

53. The proposed text of article 10 is:

"The Committee may make rules of procedure prescribing the procedure to be followed when it is exercising the functions conferred on it by this Protocol."

54. The proposed text of article 11 is:

"1. The Committee shall meet for such period as is necessary to carry out its functions under this Protocol.

"2. The Secretary-General of the United Nations shall provide the Committee with the necessary staff, facilities and finances for the performance of its functions under this Protocol, and in particular shall ensure that expert legal advice is available to the Committee for this purpose."

L. Final articles

55. For the most part, the final articles recommended for inclusion in the draft optional protocol follow closely those already contained in the first Optional Protocol to the International Covenant on Civil and Political Rights. Changes have been made only where this would seem necessary or appropriate for an instrument which may be adopted in the late 1990s rather than in 1966. In particular, the provisions requiring the Secretary-General to circulate the various documents and other information would seem to be superfluous today in view of the regular notification of States parties of all such developments.

56. The proposed text of the final articles is reproduced below. No commentary is offered at this stage in view of the fact that they are reasonably self-explanatory and that the Commission will need to resolve the more substantive matters dealt with in the earlier articles before finalizing these provisions.

57. The Committee discussed at some length the question whether reservations to the optional protocol should be permitted or excluded, or whether the protocol should be silent in relation to that matter. The Committee agreed to recommend that it would be appropriate for the Commission to consider providing for the lodging of reservations if it opts for a comprehensive approach in relation to the range of rights, as described in paragraph 28 above.

58. The proposed text of the final articles is:

"Article 12

"1. This Protocol is open for signature by any State Party to the Covenant.

"2. This Protocol is subject to ratification or accession by any State Party to the Covenant. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

"Article 13

"1. This Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the fifth instrument of ratification or accession.

"2. For each State ratifying this Protocol or acceding to it after its entry into force, this Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

"Article 14

"1. This Protocol will be binding on each State Party in respect of all territories subject to its jurisdiction.

"2. The provisions of this Protocol shall extend to all parts of federal States without any limitations or exceptions.

"Article 15

"1. Any State Party to this Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to this Protocol with the request that they notify him or her whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. If within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene such a conference under the auspices of the United Nations. Any amendment adopted by majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

"2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to this Protocol in accordance with their respective constitutional processes.

"3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Protocol and any earlier amendment which they have accepted.

"Article 16

"1. Any State Party may denounce this Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

"2. Denunciations shall be without prejudice to the continued application of the provisions of this Protocol to any communication submitted before the effective date of denunciation.

"3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matters regarding that State.

"Article 17

"This Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations."

Notes

1/ A/CONF.157/24 (Part I), chap. III.

2/ See E/1992/23, paras. 360-366.

3/ E/C.12/1991/WP.2, E/C.12/1992/WP.9, E/C.12/1994/12 and E/C.12/1996/CRP.2/Add.1.

4/ See E/C.12/1994/SR.42, 45 and 56; E/C.12/1995/SR.5 and 50; E/C.12/1996/SR.19-20; E/C.12/1996/SR.43, 45, 46/Add.1, 47-49 and 54/Add.1.

5/ F. Coomans and G.J.H. van Hoof, eds., The Right to Complain about Economic, Social and Cultural Rights: Proceedings of the Expert Meeting on the Adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Utrecht, 25-28 January 1995) (Utrecht, Netherlands Institute of Human Rights, 1995).

6/ See Official Records of the General Assembly, Fiftieth Session, Supplement No. 38 (A/50/38), chap. I, sect. B, suggestion 7. For a comprehensive analysis, see A. Byrnes and J. Connors, "Enforcing the human rights of women: A complaints procedure for the women's Convention?", Brooklyn Journal of International Law, vol. XXI, No. 3 (1996), p. 679.

7/ See Official Records of the Economic and Social Council, 1996, Supplement No. 6 (E/1996/26-E/CN.6/1996/15), annex III.

8/ OAS, Treaty Series, No. 69.

9/ European Treaty Series, No. 158.

Annex V

Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. José Ayala-Lasso, United Nations High Commissioner for Human Rights

26 January 1996

Dear High Commissioner,

I am writing to you to follow up on two matters that I raised with you in our meeting in September last year and which were again the subject of critical comment during the most recent session of the Committee on Economic, Social and Cultural Rights. I fear that if a satisfactory outcome is not achieved shortly in relation to these two issues the Committee will have difficulty avoiding harsh criticism of the Centre for Human Rights.

The first relates to the staff member who was to be recruited to become the first specialist in the entire Centre in the field of economic, social and cultural rights and to work directly for the Committee. This post was established some two years ago and has, apparently, been temporarily deployed elsewhere in the Centre. If no appointment has been made within the next couple of months it will send a fairly clear signal as to the priority to be accorded to economic, social and cultural rights.

The second relates to the seminar which was supposed to have been held in conjunction with the World Bank and which the Bank was prepared to organize as long as two years ago. It is clear that the continuing delays have been caused by the actions or inaction of the Centre and you had personally assured me in September that you would break the log-jam. My colleagues and I are very anxious to learn what has happened since that time.

Both of these issues would appropriately be taken up, in the strongest possible terms, on the next occasion that the Chairpersons of the treaty bodies meet in person with the Secretary-General. I very much hope that they will have been resolved well before that time.

Yours sincerely,

Philip Alston
Chairperson, Committee on
Economic, Social and Cultural Rights

Annex VI

Letter addressed by the United Nations High Commissioner for Human Rights to Mr. Philip Alston, Chairperson of the Committee on Economic, Social and Cultural Rights

18 April 1996

Dear Professor Alston,

I acknowledge receipt of your letter of 26 January 1996. I am fully aware of the concerns to which you refer.

In relation to the appointment of a specialist in the field of economic, social and cultural rights, working for the Committee on Economic, Social and Cultural Rights, I can assure you that this question will be fully taken into account within the framework of the ongoing process of restructuring of the Centre for Human Rights, of which you are already informed.

Human rights bodies have, over the past few years, invited the international financial institutions to consider the possibility of organizing an expert seminar on the role of those institutions in the realization of economic, social and cultural rights. Those institutions have been regularly informed of these requests. The World Bank had indicated a readiness to discuss the organization of a meeting to discuss human rights issues and discussions took place with a view to finding a satisfactory framework for a seminar as envisaged by the Commission on Human Rights.

For my part, I believe that a first helpful step would be to allow international human rights experts and officials of financial institutions to exchange information and ideas on their respective mandates and methods of work as a preliminary step to eventual further discussions. With this in mind I wrote to the President of the World Bank in December 1995 suggesting the organization of a meeting to exchange information and views between officials of the Bank and United Nations human rights officials and experts regarding human rights as viewed from the perspective of the two mandates. The meeting would include discussion of standards and mechanisms, areas of information and activities of mutual interest, and modalities for future work.

I am happy to say that the reaction of the Bank has been positive and it is our hope to be able to organize this meeting during the first semester of this year.

I understand the strength of your feelings relating to the promotion and protection of economic, social and cultural rights and I do agree on their high importance. Nevertheless, I must regret the tone which your strong feelings led you to adopt. Accepting criticism for choices insufficiently understood is part of the job of High Commissioner. That job, however, is facilitated when criticism is constructive.

Yours sincerely,

José Ayala-Lasso

United Nations High Commissioner
for Human Rights

Annex VII

PROGRAMME OF ACTION TO STRENGTHEN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Introduction

1. This programme of action has been drawn up at the request of the Committee on Economic, Social and Cultural Rights. At its fifteenth session, the Committee recognized the importance of adopting a comprehensive programme to be forwarded to the United Nations High Commissioner for Human Rights for consideration by all the relevant bodies within the human rights domain. The proposed programme takes full account of discussions at successive sessions of the Committee and is designed to ensure that adequate attention is given to the commitment to promote respect for the International Covenant on Economic, Social and Cultural Rights and to the central role to be played in that regard by the Committee on Economic, Social and Cultural Rights.

2. The year 1996 marked the thirtieth anniversary of the adoption of the Covenant, the twentieth anniversary of its entry into force, and the end of the first 10 years of the work of the Committee.

I. THE CHALLENGE

3. Economic and social rights are recognized in many of the major international human rights treaties, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. But the Covenant, with 135 States parties, remains the foundation stone on which these formulations have been built.

4. The challenge in giving substance to economic, social and cultural rights remains enormous, not only because so little effort has been made by the international community to date, but also because of the complexity of the issues that must be addressed. That complexity arises not only from the nature of the rights themselves, but also from the dramatically uneven levels of economic development that have been achieved, the impact of "globalization" on national economies, and the shrinking role of the States. These challenges, however, serve only to emphasize the importance of developing more effective, nuanced and constructive approaches in promoting these rights. A world in which economic, social and cultural rights are neglected will not long be one in which civil and political rights can thrive. The fundamental assumptions on which the international human rights system is based are thus at risk unless a balanced approach can be achieved.

5. The centrepiece of international efforts to promote economic, social and cultural rights has been the Committee on Economic, Social and Cultural Rights. It is the only body in the United Nations system devoted entirely to these rights. It has the legal mandate to cooperate both with the States parties to the Covenant and with the various bodies and specialized agencies of the United Nations concerned with economic, social and cultural rights. The centrality of the Committee's role has long been acknowledged within the human rights domain and is gaining increasing recognition throughout the rest of the system. Its role was specifically emphasized by the World Summit

for Social Development (Copenhagen, March 1995), the United Nations Conference on Human Settlements (Habitat II) (Istanbul, June 1996) ("The important role of the Committee ... in monitoring ... States parties' compliance with the ... Covenant ... should be emphasized." 1/) and the World Food Summit (Rome, November 1996) (invites the Committee "to give particular attention to this Plan of Action" and to help "to better define the rights related to food in article 11 of the Covenant and to propose ways to implement and realize these rights" 2/).

6. If the future work of the Committee in assisting Governments to promote respect for economic, social and cultural rights is to be effective, the Committee must be enabled to build on the foundations which it has laid during its first decade. Experience shows that this will require three types of support: (a) substantive support to facilitate the Committee's work with States parties in relation to the reporting process; (b) analytical support to enable the Committee to contribute effectively to the various activities which it is increasingly being called upon to perform; (c) expertise and general support to enable the Committee to work constructively with States parties and United Nations agencies and others in following up on its recommendations designed to enhance the realization of economic, social and cultural rights.

7. In keeping with the particular prominence accorded to economic, social and cultural rights in the mandate given him by the General Assembly, the United Nations High Commissioner for Human Rights has indicated that he attaches very great importance to the implementation of a programme of action for the Committee.

II. ASSISTANCE REQUIRED

8. In terms of its procedures for working with States parties, the Committee on Economic, Social and Cultural Rights has been the most innovative of all the treaty-monitoring bodies and has explored various approaches designed to reduce the burden of reporting for States parties. Many of its procedural and other innovations have subsequently been adopted by the other treaty bodies and have been warmly welcomed by the Commission on Human Rights, the Economic and Social Council and the General Assembly. Nevertheless, the Committee has been unable to take full advantage of its own efforts because of a lack of expert staff assistance. To a greater extent than other treaty bodies, the Committee on Economic, Social and Cultural Rights is called upon to deal with issues that are particularly complex and receive very little attention from the perspective of particular rights elsewhere within the international system. It has done so to date with the assistance of only one member of the staff of the Centre for Human Rights of the United Nations.

9. It is therefore proposed to strengthen the assistance available to the Committee from within the Centre for Human Rights through the appointment of three staff members with specialist expertise in the range of issues dealt with by the Committee. Two of these persons would be appointed at the P-3 level and one at the P-2 level, all for an initial period of three years. Annual periodic reviews would be undertaken, as well as a comprehensive evaluation at the end of the three-year period in order to assess the programme's effectiveness. It is estimated that a budget of US$ 547,372 would be required for each year of the three-year period (see appendix).

III. SPECIFIC ACTIVITIES TO BE SUPPORTED

A. Support for the reporting process

10. The Committee has a significant backlog of States parties' reports awaiting consideration. It is examining various approaches which would enable it to deal more expeditiously with reports, but it will require staff assistance if it is to do so while maintaining the quality of the reporting process. Support is particularly required in order to prepare the preliminary analysis of States parties' reports for consideration by the Committee (or, in the case of a new procedure replacing the existing process of periodic reports, for the preparation of a list of issues in relation to which a report is required). There is a wealth of information available concerning economic and social mandates generally, but considerable expertise is required to locate the most relevant information and, more importantly, to analyse it within the legal framework of the Covenant. Such assistance would also help the Committee to identify priority areas of action and to develop constructive recommendations. The support staff would not perform the basic servicing tasks already carried out by the Centre for Human Rights.

B. Analytical support

11. The Committee is called upon to follow a wide range of matters within the United Nations system as a whole and to be able to take account of current developments as they affect the realization of economic, social and cultural rights. Expert assistance is required to enable the Committee to liaise with the other agencies involved, to identify and analyse emerging trends and to prepare research papers which would provide the basis for the elaboration of policy positions on the key issues with which the Committee must deal. The Committee would also be able to make more effective use of the information generated in reports by special rapporteurs and thematic mechanisms, thus enhancing coordination and avoiding duplication.

C. Follow-up

12. Articles 22 and 23 of the Covenant attach particular importance to the identification of technical cooperation and other activities designed to assist in promoting the realization of economic, social and cultural rights. The Committee has been unable to give sufficient attention to this dimension of its work because of a lack of assistance. It would henceforth be able to work more constructively with various United Nations agencies, to identify more carefully tailored suggestions for advisory services and to undertake better follow-up. The Committee would also seek to assist States in both the reporting and follow-up processes through the organization of workshops to assist government officials and training courses for the various social partners at the national level.

Notes

1/ A/CONF.165/14, chap. I, resolution 1, annex II (Habitat Agenda), para. 233.

2/ Report of the World Food Summit, 13-17 November 1997, Part one (Rome, Food and Agriculture Organization of the United Nations, 1997), pp. 122-123, Appendix, World Food Summit Plan of Action, para. 61, Objective 7.4 (c) and (e).

Appendix

PRELIMINARY COST ESTIMATES
(US dollars per annum)

Staff assistance		
2 P-3	(119,200 x 2)	238 400
1 P-2	.....	96 000
		334 400
Implementation and technical cooperation		
Workshops to assist government officials in reporting and follow-up; economic, social and cultural rights training courses		150 000
Subtotal		484 400
United Nations programme support cost (13%)		62 972
Total		547 372

Annex VIII

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS FOURTEENTH SESSION

PARAGUAY	Representative:	H.E. Mr. Eladio Loizaga Caballero Ambassador Permanent Representative of Paraguay to the United Nations Office at Geneva
	Adviser:	Mr. Rodrigo Ugarriza Second Secretary Permanent Mission of Paraguay to the United Nations Office at Geneva
SPAIN	Representative:	Mr. Agustín Núñez Assistant Director-General for United Nations Affairs Ministry of Foreign Affairs
	Advisers:	Mr. José Ramón Aparicio Gómez-Lobo Assistant Director-General for Promotion and Social Integration Office of Migration Ministry of Social Affairs
		Mr. Manuel Avila Assistant Director-General for Special Education and Diversity Ministry of Education and Science
		Mr. José Lázaro Assistant Director-General for International Cooperation Ministry of Culture
		Mr. José María González Escolar Assistant Director-General National Employment Office
		Mr. Juan Manuel González de Linares Counsellor Permanent Mission of Spain to the United Nations Office at Geneva
		Mr. Joaquín Albalate Lafita Counsellor for Social and Labour Affairs Permanent Mission of Spain to the United Nations Office at Geneva

		Ms. Trinidad Rodríguez Maestu Languages Adviser Office of Education Embassy of Spain, Bern
		Ms. Yolanda Ayuso Estévez Head Legal Studies Department Institute for Women's Affairs
		Ms. Dolores Sánchez García Senior Legal Officer Institute for Women's Affairs
GUATEMALA	Representative:	Mr. Vicente Arranz Sanz Chairman Presidential Committee for Coordination of Human Rights Policy (COPREDEH)
	Advisers:	Mr. Denis Alonzo Mazariegos Executive Director COPREDEH
		Mr. Ricardo Díaz-Duque Minister-Counsellor Chargé d'affaires a.i. Permanent Mission of Guatemala to the United Nations Office at Geneva
		Mr. Nelson Rafael Olivero First Secretary Permanent Mission of Guatemala to the United Nations Office at Geneva
EL SALVADOR	Representative:	Mr. Alexander Kellman Head Office of Social Affairs Ministry of Foreign Affairs
	Advisers:	H.E. Mr. Carlos Ernesto Mendoza Ambassador Permanent Representative of El Salvador to the United Nations Office at Geneva
		H.E. Ms. Margarita Escobar Ambassador Deputy Permanent Representative of El Salvador to the United Nations Office at Geneva

Ms. Lilian Alvarado-Overdiek
Counsellor
Permanent Mission of El Salvador to the
United Nations Office at Geneva

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS FIFTEENTH SESSION

PORTUGAL

Representative:

Mr. Jorge Costa Oliveira
Cabinet Coordinator for Legislative
Affairs

Advisers:

Ms. Virginia Silva
Adviser to the Assistant Secretary for
Communications, Tourism and Culture

Ms. Isabel Fezas Vital
Adviser to the Assistant Secretary for
Coordination and Culture

Ms. Albina Silva
Assistant Director
Office of Education and Youth Services

Mr. Beltrão Loureiro
Assistant Director
Office of Labour and Employment Services

Mr. Paulo Pereira Vidal
Deputy Coordinator
Office of Legislative Affairs

Mr. Eduardo Aleixo
Vice-Chairman
Board of Directors
Social Security Fund

Dr. Fernando Silva
Physician and specialist in
public health
Epidemiological Monitoring Office
Health Services Department, Macau

Mr. Amical Bastista Feio
Legal Expert
Housing Institute, Macau

Mr. José Sérgio Calheiros da Gama
Counsellor for Legal Affairs
Permanent Mission of Portugal to the
United Nations Office at Geneva

BELARUS	Representative:	Mr. Ivan Antanovich Deputy Minister for Foreign Affairs
	Advisers:	Ms. Maryna Satolina Deputy Head of Department Ministry of Justice
		Ms. Alena Kpuchyna Counsellor Permanent Mission of Belarus to the United Nations Office at Geneva
		Mr. Uladzimir Shcherbau Attaché Ministry of Foreign Affairs
FINLAND	Representative:	Mr. Matti Salmenperä Director Ministry of Labour
	Advisers:	Ms. Riitta Kaivosoja Counsellor of Government Ministry of Education
		Ms. Riitta-Maija Jouttimäki Counsellor of Legislation Ministry of Social Affairs and Health
		Ms. Päivi Pietarinen Legal Officer Ministry of Foreign Affairs
		Ms. Irmeli Mustonen Minister-Counsellor Permanent Mission of Finland to the United Nations Office at Geneva
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	Representative:	Mr. Henry Steel Foreign and Commonwealth Office
	Advisers:	Mr. Daniel R. Fung Solicitor-General Legal Department, Hong Kong
		Mr. Stephen Wong Kai-Yi Principal Crown Counsel Legal Department, Hong Kong

Mr. Jeremy Croft
Principal Assistant Secretary for
Home Affairs
Home Affairs Department, Hong Kong

Mr. John Sherwin
Principal Assistant Secretary
for Security
Security Branch, Hong Kong

Mr. William Shiu
Principal Assistant Secretary
for Housing
Housing Branch, Hong Kong

Ms. Miranda Chiu
Principal Assistant Secretary for
Health and Welfare
Health and Welfare Branch, Hong Kong

Mr. Anthony M. Reynalds
Principal Assistant Secretary for
Education and Manpower
Education and Manpower Branch, Hong Kong

Sir John Ramsden
Deputy Permanent Representative of the
United Kingdom of Great Britain and
Northern Ireland to the United Nations
Office at Geneva

Ms. Sarah Foulds
First Secretary
Permanent Mission of the United Kingdom
of Great Britain and Northern Ireland to
the United Nations Office at Geneva

Mr. Colin Wells
Third Secretary
Permanent Mission of the United Kingdom
of Great Britain and Northern Ireland to
the United Nations Office at Geneva

Annex IX

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS FOURTEENTH SESSION

E/1990/5/Add.23	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Paraguay
E/1990/5/Add.24	Idem: Guatemala
E/1990/5/Add.25	Idem: El Salvador
E/1990/6/Add.7	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Dominican Republic
E/1994/104/Add.5	Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Spain
E/1996/22	Report of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth sessions
E/1996/40	Twenty-first report of the International Labour Organization
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.1	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1996/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1996/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1996/L.1	Draft programme of work: note by the Secretary-General
E/C.12/1996/L.1/Rev.1	Programme of work: note by the Secretary-General

E/C.12/1996/NGO/1	Written statement submitted by the Latin American Commission for the Rights and Freedoms of Workers and Peoples (CLADEHLT) and the American Association of Jurists
E/C.12/1996/NGO/2	Written statement submitted by the Central de Trabajadores Democráticos (El Salvador) and the International Confederation of Free Trade Unions
E/C.12/1996/NGO/3	Written statement submitted by the Confederation of Workers (Paraguay) and the International Confederation of Free Trade Unions
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E/C.12/1995/LQ.1/Rev.1	List of issues: Paraguay
E/C.12/1995/LQ.2/Rev.1	Idem: Spain
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E/C.12/1/Add.3	Idem: Guatemala
E/C.12/1/Add.4	Idem: El Salvador
E/C.12/1/Add.5	Idem: Guinea (without a report)
E/C.12/1996/SR.1-26 and E/C.12/1996/ SR.1-26/Corrigendum	Summary records of the fourteenth session (1st to 26th meetings) of the Committee on Economic, Social and Cultural Rights

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS FIFTEENTH SESSION

E/1990/6/Add.7	Second period reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Dominican Republic
E/1990/6/Add.8	Idem: Portugal (Macau)

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E/C.12/1996/4	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1996/5	Follow-up to the consideration of reports under article 16 of the Covenant: note by the Secretary-General
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E/C.12/1/Add.6	Preliminary concluding observations of the Committee on Economic, Social and Cultural Rights: Dominican Republic
E/C.12/1/Add.7/Rev.1	Concluding observations of the Committee on Economic, Social and Cultural Rights: Belarus
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E/C.12/1/Add.9	Idem: Portugal (Macau)
E/C.12/1/Add.10	Idem: United Kingdom of Great Britain and Northern Ireland (Hong Kong)
E/C.12/1996/SR.27-55/ Add.1 and E/C.12/1996/ SR.27-55/Add.1/ Corrigendum	Summary records of the fifteenth session (27th to 55th meetings) of the Committee on Economic, Social and Cultural Rights

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